

# Community Development and Legal Assistance: Building Partnerships

## Evaluation Findings

**Prepared by  
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## Executive Summary

The evaluation of legal aid special community development grants has involved 15 in-depth case studies across diverse issues and in different parts of Minnesota and analysis of 78 distinct legal aid cases. The results show that for people experiencing poverty, dealing with legal issues effectively can mean the difference between a downward spiral into deeper poverty and a pathway to a better life. Saving a home from foreclosure, developing a small business, following immigration procedures meticulously, affording cancer treatment, and resolving landlord/tenant issues can prevent problems from escalating into homelessness, loss of income, a sense of despair, and deeper poverty.

Moreover, the data show that legal issues are interconnected with other challenges people in poverty face: health, mental health, abuse, discrimination, lack of educational access, job insecurity, language and literacy barriers, and inability to get needed services or assistance. Those seeking legal aid are typically facing multiple issues, are confused about their legal options and rights, and cannot solve other problems they face without getting legal obstacles removed. Deep expertise and substantial skill are needed to effectively help clients who are confused about their legal rights and who face significant barriers caused by poverty.

These evaluation results show that those seeking legal aid were helped in substantial ways, and their families and communities benefited. Legal aid helps weave a community network of support and possibility that builds community cohesion and strengthens social capital, which research shows is critical for vital and thriving communities. Many people helped by legal aid come to believe in law and justice and to feel included in rather than excluded from the social fabric. Achieving such results involves more than legal advice and action. It means building trust with those seeking help and strengthening relationships with nonprofit, government, and private sector partners to leverage legal aid resources to create positive ripple effects economically, socially, and politically. Those helped can become stable, contributing members of the community. This increases the sense of community well-being and hope. In these ways, legal aid is not just providing a simple service, but constitutes an essential infrastructural investment in people and communities.

The legal aid special community development grants also included support for policy advocacy and systems change through support to the Minnesota Asset Building Coalition (MABC).

The report concludes with recommendations that (1) community development legal assistance funding and administrative support continue and grow; (2) that legal aid offices be supported to connect with nonprofits, government agencies, and other services so that legal problems are not dealt with in isolation from other life situations and challenges that people face; (3) that grantees be supported to engage together for reflective practice and learning from each other; (4) that coding closed cases for impacts be continued as a basis for sharing and learning; and (5) that *cy pres* settlement funds build in the expectation for evaluation and funding to conduct follow-up evaluations.

## Context

*“Always design a thing by considering it in its next larger context – a chair in a room, a room in a house, a house in an environment, an environment in a city plan.”*

- *Gottlieb Eliel Saarinen (1873-1950),  
Finnish architect<sup>2</sup>*

We begin this evaluation of legal aid special community development grants in Minnesota with both a global and historical context. What is being called “contextual intelligence” is the capacity to understand how the past informs the present and how culture, societal dynamics, politics, economic factors, law, and geography affect how we make sense of the world. In that spirit, we open this report with some brief contextual framing placing these findings in several contexts: evaluation context, poverty and social justice context, legal aid historical context, Bank of America settlement context (source of funds for the projects examined here), and, finally, the Minnesota context. Each of these contexts offer opportunities for deep exploration but we shall limit our framing to highlights that simply establish the importance of each context.

### Evaluation Context

“Context is a force in evaluation.” That is the opening line of a volume of the journal *New Directions for Evaluation* devoted to context (Rog, Fitzpatrick & Connor, 2012). Placing evaluation findings in context is mandated by the American Evaluation Association Competencies Framework (#2.13), Guiding Principles (#1), Cultural Competence Statement, and Joint Committee Evaluation Standards (A-4 & F-3). Contextualizing evaluations requires an understanding the unique circumstances, multiple perspectives, and changing settings of evaluations and their users/stakeholders (American Evaluation Association, 2018).

### Legal Aid Context

Legal aid in the United States takes two forms: criminal and civil. Under the Constitution (6<sup>th</sup> Amendment) and federal law, criminal legal aid is guaranteed to those who cannot afford a lawyer. In contrast, civil legal aid is *not* guaranteed by law, but is provided as a matter of public policy through specifically funded legal aid services, pro bono lawyers, and private volunteers. The nature, scope, and access to legal aid varies significant by state.

Common types of civil legal aid cases include dealing with evictions, domestic violence, immigration status, discrimination, and denial of government benefits, In 2006, the American Bar Association adopted a resolution that defined such issues as "basic human needs," and urged the Federal government to provide legal services to meet those needs.

### Historical Legal Aid Context: Poverty and Access to Legal Aid

*Justice and the Poor* by Reginald Heber Smith in 1919 is considered the “groundbreaking work that sparked the legal aid movement in the United States” (National Equal Justice Library, 2014, p. 1). Smith documented in great depth and detail how poor people were denied access to the courts. He argued such denial undermined the social fabric of the nation. Failing to provide equal

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<sup>2</sup> Context for this quote. I was working on this report during a working trip to Denmark. This quote was featured in a Danish Design Museum exhibition. I was struck by the serendipitous relevance to the task at hand. MQP

justice put both democracy and society at risk. He proposed a comprehensive set of remedies including simplifying court procedures, reforming laws that especially burdened those in poverty, and providing the poor with access to lawyers (Smith, 1919).

In 1964 during President Johnson’s “war on poverty,” the Office of Economic Opportunity (OEO) was created. That same year, Edgar and Jean Cahn wrote “The War on Poverty: A Civilian Perspective” in the *Yale Law Journal*, which emphasized the importance of neighborhood law offices and argued that neighborhood lawyers should be a part of an anti-poverty effort. A year later, OEO launched its Legal Services Program, which had the support of the American Bar Association, which enhanced its credibility and an acceptance around the country. Within nine months of its creation, 130 OEO legal services programs were being funded and many had the support of state and local bar associations (Legal Services Corporation, 2018).

The Reginald Heber Smith Community Lawyer Fellowship Program (RHS) was established in 1967 to attract talented young lawyers to the field of poverty law. Fellows were called *Reggies* and became quite prestigious. From 1967 to 1985, when the program ended, there were approximately 2,000 Reggies. Many went on to have careers in legal services, become educators, judges, and prominent lawyers. “Being young, enthusiastic, and committed to their cause, the Reggies made an immediate impact upon the regional and local projects where they were placed” (National Equal Justice Library, 2014, p. 4). Evaluations of the program found that it had had a substantial and lasting impact in elevating the effectiveness and reach of legal services throughout the country (Robertson, 1978; Mosston, 1980).

The Legal Services Corporation (LSC) was established under President Nixon in July 25, 1974. In the words of Senator Kennedy in a floor debate of the bill in December 1973, “The establishment of the Corporation will mark a new, sincere, nonpartisan dedication to the provision of equal access to justice for all our citizens.” The new law declared that Congress had found “there is a need to provide equal access to the system of justice in our Nation” and that “there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel.” LSC today is the single largest source of funding for free civil legal assistance to people experiencing poverty (Legal Services Corporation, 2019).

### **Social Justice and Legal Aid**

Legal aid was founded on and operates in support of social justice. Therefore, the proposed overarching framework for this evaluation was and is a social justice rights-based approach. There are many different frameworks for conducting evaluations. In the field of evaluation, a social justice lens means including attention to:

- Justice in terms of the distribution of opportunities and privileges within a society
- Full and equal participation of all groups in society
- Degree to which society promotes equal economic, political and social rights and opportunities (Hilgendorf, Westaby, & Faust, 2015)

The profession of evaluation has a long tradition of addressing social justice (House, 1990, 2005). The theme of the annual meeting of the American Evaluation Association in 1994 was *Evaluation and Social Justice*. A decade later (2014) the conference theme was *Visionary*

*Evaluation for a Sustainable, Equitable Future.* A social justice lens operates within the premises and principles of utilization-focused evaluation (Patton, 2008, p. 305).

This evaluation team consists of members committed to social justice. This is consistent with the competencies and guiding principles endorsed by the American Evaluation Association (AEA).

*AEA Competency 1.8:* Evaluator identifies how evaluation practice can promote social justice and the public good.

*AEA Guiding Principle E: Common Good and Equity:* Evaluators strive to contribute to the common good and advancement of an equitable and just society.

Bringing a social justice rights-based perspective to the evaluation means the evaluation examines the extent to which, and ways in which, the legal aid initiative and grants support and enhance the legal rights of those in need.

*Evaluation questions include:*

1. How are eligible legal aid clients identified?
2. What legal aid services are provided?
3. How do clients understand their legal rights and the nature of the services they receive?
4. What are the legal outcomes of the services rendered?
5. What are the non-legal outcomes reported by clients? (changes in well-being; family status; job status; housing status; income and financial security; and community engagement)

Thus, the social justice context for the evaluation means that the evaluation includes attention to the perceptions and experiences of legal aid clients concerning their legal rights and the social justice outcomes for clients, their family members, and the larger community. Appendix E includes an elaboration of a social justice rights-based approach to evaluation.

### **Current Legal Aid Context**

As we come upon the 100th anniversary of its publication, *Justice and the Poor*, and more than fifty years after the creation of the Legal Services Program, we are not much closer to Smith's vision of equal justice than we were in 1919 (Dipippa, 2018, p. 73).

Legal services offices are meeting only a modest percentage of the basic needs of their clientele due to several significant limitations, including a lack of adequate funding leading to limited capacity and availability of attorneys, a lack of awareness of legal aid's availability among those who would most benefit from services, lack of trust in the system and its ability to help among many marginalized groups, the closing of neighborhood offices due to funding cuts, among other factors.

While the Legal Services Corporation originally was able to meet its goal of providing one staff attorney for every 5,000 eligible clients, the Reagan budget cuts in the 1980s undermined that achievement. Today, there is less than one legal aid attorney for every 10,000 people eligible for

legal services from the corporation. These attorneys and the support needed for them are unevenly distributed throughout the country. (Dippa, 2018). p. 106)

The total amount of legal aid available for civil cases does not match demand:

- 71% of low-income households experienced at least one civil legal problem in 2017. Of those 86% reported receiving inadequate or no legal help. (Legal Services Corporation, 2017).
- All legal aid offices nationwide, LSC-funded or not, are together able to meet only about 20 percent of the estimated legal needs of low-income people in the United States.
- LSC-funded programs were unable to meet over half of 1.7 million problems brought to them due to a lack of resources." (Legal Services Corporation, 2017; for additional comparative and historical data, see also Sandefur, 2014; 2016; Houseman, 2002; George, 2006; Oh & Lee, 2018; Barnett, 2005; Office of Civil Justice, 2017).

A study sponsored by the American Bar Foundation of a random sample in a mid-sized Midwestern city found that two-thirds of respondents had experienced at least one civil legal situation in the last eighteen months. Nearly half of those civil justice situations resulted in negative consequences, such as adverse health effects, a loss of income, or physical violence (Sandefur, 2014, 2016).

In testifying before Congress on the results of *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, an independent study conducted by the prestigious National Opinion Research Center (NORC) at the University of Chicago, the first such study since 2009, Legal Services Corporation President James Sandmann said:

*"This study shows two things: first, the vast majority of low-income Americans have significant civil legal needs that affect their families, their livelihoods, and their safety; and second, our civil legal system fails, overwhelmingly, to meet those needs. The bottom line: We are not fulfilling our nation's solemn pledge of 'justice for all.'"* (Congressional testimony, June 14, 2018)

Various studies have documented the social and community benefits of legal aid:

- Contributing to marked declines in domestic violence and protecting children (Farmer & Tiefenthaler, 2003; Legal Services Corporation, 2018).
- Decreasing homelessness as well as the need for emergency shelters through reducing evictions (Abel & Vignola, 2010; Sudeall & Richardson, 2019; Legal Services Corporation, 2018)
- Access to legal aid helps individuals receive eligible federal benefits and aids groups such as seniors and veterans who are often exploited (Sandefur, 2014, 2016; Oh & Lee, 2018; Legal Services Corporation, 2018; Sudeall & Richardson, 2019)
- Legal Services Corporation provided aid to almost 4 million household members in 2016-2017, resulting in:
  - 755,774 closed cases

- 44,627 victims of domestic abuse received protection from their abuser(s)
- 15,232 vulnerable Americans were saved from foreclosure.
- 787,947 children positively impacted directly and indirectly.
- 6,170 juvenile clients protected from their abusers at home.
- 32,559 senior citizens obtained withheld funds in Social Security and Disability.
- 44,569 veterans (and their family members) aided through LSC. (Legal Services Corporation, 2018).

Despite the evidence that legal aid provides an important public service, President Trump has proposed eliminating all legal services funding. (Weiss, 2017)

#### *Decline in legal services to the poor*

Until 1970, according to statistics compiled by the National Center for State Courts, the great majority of individuals who brought or defended lawsuits in state courts were represented by lawyers. But today as many as two thirds of all individual civil litigants in state trial courts are representing themselves, without a lawyer. Indeed, in some states, an astonishing 90 percent of all family law and housing law cases—which are the most common legal disputes for most Americans—involve at least one party who is not represented by a lawyer. (Rakoff, 2016, p. 4). Individuals not represented by lawyers lose cases at a considerably higher rate than similar individuals who are represented by counsel. In mortgage foreclosure cases, for example, you are twice as likely to lose your home if you are unrepresented by counsel. Or to give a different kind of example, if you are a survivor of domestic violence, your odds of obtaining a protective order fall by over 50 percent if you are without a lawyer. (Rakoff, 2016, p. 4)

#### *What explains this decline in legal representation?*

Here are seven reasons identified by Jed S. Rakoff, a Senior United States District Judge of the United States District Court for the Southern District of New York, adjunct professor at Columbia Law School, and a member of the Harvard Legal Aid Bureau.

- The ever greater cost of hiring a lawyer.
- The increased expense, apart from legal fees, that a litigant must pay to pursue a lawsuit to conclusion.
- Increased unwillingness of lawyers to take a case on a contingent-fee basis when the anticipated monetary award is modest.
- Decline of unions and other institutions that provide their members with free legal representation.
- The imposition of mandatory arbitration.
- Judicial hostility to class action suits.

The increasing diversion of legal disputes to regulatory agencies. For these and other reasons, many Americans with ordinary legal disputes never get the day in court that they imagined they were guaranteed by the law. (Rakoff, 2016, p. 4).



### Minnesota Legal Aid Context

In 2014, Minnesota Legal Services Coalition published a cost-benefit analysis of legal aid in Minnesota. The report found that services provided to the public through LSC have a 4:1 return on investment. The \$53.6 million invested in legal aid helped 48,344 families and closed 16,060 cases. Of these cases, 25% were housing related, saving \$4.1 million in costs of homelessness.

Despite these achievements, due to limited resources, legal aid providers in Minnesota were only able to assist 40% of eligible individuals and families who came to them for legal help in 2014.<sup>3</sup> And it is widely known that those who come to legal aid to seek help represent only a percentage of people who need legal aid help and meet eligibility criteria. (Minnesota Legal Services Coalition, 2014)

### Bank of America Settlement Context

On August 21, 2014, the US Department of Justice announced a \$16.65 Billion settlement with Bank of America concerning financial fraud leading up to and during the 2008 financial crisis. It was the largest civil settlement with a single entity in American history. Almost \$10 billion was paid to settle federal and state civil claims. The remaining \$6.37 billion was allocated as follows:

- Home loan modifications to increase affordability - \$5.27 billion (82.8%)
- Loss-making loans to support affordable low-income rental housing - \$442 million (6.9%)
- New home loans to low- and moderate-income borrowers - \$346 million (5.4%)
- Donations to municipalities and non-profit organizations to promote community reinvestment and neighborhood stabilization - \$308 million (4.8%)

Some funds were distributed to state *Interest on Lawyers' Trust Accounts* (IOLTA) programs. IOLTA is a method of raising money for charitable purposes, primarily the provision of civil legal services to indigent persons. The establishment of IOLTA followed changes to federal banking laws passed by Congress in 1980, which allowed some checking accounts to bear interest. Every state IOLTA program received funding from the Bank of America settlement to make grants for “foreclosure prevention legal assistance” and “community economic redevelopment legal assistance.” The Minnesota IOLTA Program received \$442,000 in 2015 and \$4,549,000 in 2016 from these funds. The Minnesota Supreme Court Legal Services Advisory Committee (LSAC) administers those funds. The grants made under that funding mechanism were used to establish the *Community Development and Legal Assistance: Building Partnerships Forum* sponsored and overseen by the Minnesota Supreme Court Legal Services Advisory Committee. This evaluation focuses on the grants made under that program. Before turning to a description of those grants and the evaluation findings, one final operational aspect of the settlement is needed to complete this opening contextual analysis.

### Independent monitoring

The Bank of America settlement called for an independent monitor to be appointed to oversee implementation of the settlement. That independent monitor was Professor Eric D. Green. He is recognized as one of the pioneers of Alternative Dispute Resolution (ADR) in the United States and around the world. Professor Green specializes in mediating and arbitrating complex legally-

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<sup>3</sup> Last year for which data are available.

intensive multi-party cases including securities, financial, intellectual property, anti-trust, professional negligence (attorney, accountant, physician), construction, product liability, mass tort, and all types of class actions. In August 2014, Professor Green was appointed the Monitor for the \$7 billion Consumer Relief portion of the Residential Mortgage-Backed Securities (RMBS) settlement between the DOJ, six states and Bank of America.

In his final monitoring report he wrote:

*Further research and more time are needed to fully analyze and understand the effectiveness of the Consumer Relief in meeting the goals of the Settlement Agreement. Moreover, it is beyond the scope of the Monitor's assignment to evaluate the effectiveness of the Settlement Agreement in meeting larger social, cultural, and policy objectives.”<sup>4</sup>*

Professor Green is a distinguished member of the Academy of Court Appointed Masters, the group that oversees and monitors major legal settlements. The Academy, meeting in Chicago on April 12, 2019, heard a presentation from Michael Patton on the evaluation design and initial findings of this evaluation. Professor Green was present and, learning of this evaluation for the first time, responded appreciatively, noting the rarity of evaluations of such settlements and affirming his belief in their importance. He wrote the following to the Minnesota Supreme Court Legal Services Advisory Committee (and granted permission for his letter to be included in this report):

*I was so pleased to hear Dr. Patton's evaluation of the impact of the Bank of America settlement grants to the Minnesota legal aid agencies. As the Monitor of this settlement I was very excited to oversee the distribution of these funds. In my final report I commented generally on the beneficial effect I believed these grants would have on the targeted population and communities. But I had no ability to actually follow up and study this effect in detail. I expressed the hope that other scholars and institutions would follow up and conduct such studies. I commend Minnesota for having Dr. Patton do just that. I very much look forward to reading this research. Please convey my admiration and thanks to Minnesota for doing this very important work.*

*Eric D. Green*

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<sup>4</sup> Dr. Green's complete final letter as Monitor is included as Appendix B.

## The Program

The program to be evaluated is the *Community Development and Legal Assistance: Building Partnerships* program, sponsored by the Minnesota Supreme Court Legal Services Advisory Committee. This program is funded by Bank of America as part of the settlement discussed previously.

### Funding

The program funds two types of activities:

1. *Community Redevelopment Legal Assistance*. Funded projects should support and promote economic development by providing legal services that revitalize or stabilize low-income communities.
2. *Foreclosure Prevention Legal Assistance*. Funded projects should address the foreclosure trends and continuing borrower needs and address how its foreclosure prevention services will meet those needs, and should reflect an understanding of the current needs and challenges within the communities to be served.

### Selection Criteria

The selection criteria for grantees is outlined in Table 1.

*Table 1: Bank of America Project Selection and Evaluation Criteria for Grants*

Scoring Category	Description (with correlating application questions)	Points
Community Impact	A high scoring proposal will clearly describe: - a geographic community or population within a community that will benefit from the service (E1) - a plan for measuring the impact (E1)	Up to 5
Collaboration	A high scoring proposal will demonstrate: - that the project is not duplicative of existing services (E3) - will describe any collaborations with other providers to provide effective and efficient use of funds (E3)	Up to 5
Leverage and Planning	A high scoring proposal will: - leverage the Bank of America funds (e.g., increased pro bono, in-kind donations, other funding sources, etc.) (E2) - will describe a plan for either continuing the project beyond the term of the Bank of America funds or for concluding the project (E4)	Up to 5
Total Possible Points = 15		

## Grantees

The first grant round funded community economic development projects that fell into three general categories:

- Legal Assistance to Promote Economic Development
- Legal Assistance to Promote Community Stabilization and Asset Preservation
- Policy Creation, Implementation and Legal Education

Table 2 outlines all of the grantees and their activities under the grant.

*Table 2: Bank of America Funded Direct Service Projects*

<b>Organization</b>	<b>Project Description</b>
Mid-MN Legal Aid (MMLA)	Support for foreclosure prevention and community economic development in North Minneapolis. In partnership with the Northside Residents Redevelopment Council and Stinson Leonard Street, MMLA provides a broad range of legal services with the goal of reducing blight, retaining quality, affordable housing, improving business development or otherwise improving the quality of life in the neighborhoods served by the project in North Minneapolis.
Southern MN Regional Legal Services (SMRLS)	Support for revitalization and stabilization of the community through preservation of wealth, preservation of homeownership and preservation of neighborhood vitality. Legal work includes estate planning, tax benefits and foreclosed and vacant properties with a focus on the Frogtown neighborhood of Saint Paul and greater Minnesota.
LegalCORPS	Support for the Entrepreneurs of Color program, which provides statewide pro bono legal assistance to small businesses and nonprofits.
Immigrant Law Center of MN (ILCM)	Support for legal services to immigrant businesses in Austin and Winona, MN. Grant included a cross-sector evaluation component, provided by HACER.
Cancer Legal Care	Cancer Legal Care received funding for an attorney to work on foreclosure prevention for people going through cancer treatment.
Legal Assistance of NE MN (LASNEM)	LASNEM received funding for an attorney to work on tenant's remedies cases in Duluth to improve the quality of affordable housing in the city.
Minnesota Asset Building Coalition (MABC)	Support for policy work on legislative issues related to the purposes of the Bank of America settlement funds.
Farmers' Legal Action Group, Inc. (FLAG)	Support for legal information and legal assistance to low-income immigrant farmers regarding Minnesota's new Cottage Food Law. This will result in additional income from farming operations. <sup>5</sup>

<sup>5</sup> FLAG opted not to participate in the evaluation.

## The Evaluation

This evaluation of the Community Development and Legal Assistance: Building Partnerships program was commissioned by the Minnesota Supreme Court Legal Services Advisory Committee. Specifically, LSAC commissioned Utilization-Focused Evaluation (UFE) to support grantees in evaluating services provided under this grant.

### Evaluation Methods and Design: Two Phases

#### Phase 1 Evaluation Process

The evaluation has been designed, implemented, and funded in two phases. The first phase in 2017 involved working with key stakeholders, project leadership, and grantees to identify priority evaluation questions and develop the full evaluation design. Grantees were interviewed to get baseline evaluation information about their evaluation approaches and provide a basis for conducting a half-day evaluation workshop on January 26, 2018. That workshop, attended by all grantees, presented evaluation basics, considered priority evaluation questions, clarified the evaluation's purposes, explored potential methodological options, and, began a process of collaborative reflective practice to build a community of inquiry among grantees.

Following the workshop, we surveyed participants to get their reactions. They affirmed interest and commitment in collaborating on the evaluation. They were concerned about time commitments, but overall responded positively to the evaluation opportunity. They also appreciated the opportunity to meet and collaborate with other grantees. Grantees' responses to the design workshop are reported in Appendix D.

#### Phase 2 Evaluation

The evaluation design for Phase 2 resulted from collaborative interactions with grantees and project leadership. Some of the questions guiding the evaluation were identified earlier in the section on social justice context. Here is the full set of questions and issues that emerged from utilization-focused collaboration with the grantees and Minnesota Supreme Court Legal Services Advisory Committee.

#### *Evaluation questions:*

1. How are eligible clients identified?
2. What services are provided? What challenges do grantees face? How are they addressing those challenges?
3. How do clients understand their legal rights and the nature of the services they receive?
4. What are the legal outcomes of the services rendered?
5. What are the non-legal outcomes reported by clients (changes in well-being; family; job; housing; income and financial security; and community engagement).
6. What are the impacts on communities?
7. What partnerships have been formed? What are the nature, benefits, and results of community partnerships?
8. What lessons are being learned about legal services and community impacts?
9. What common principles, if any undergird and inform the work of grantees?
10. How are societal, political, economic, and community trends affecting current and future provision of legal services and community impacts?

### *Issues to address in the evaluation and reflective practice together among grantees*

At the workshop, grantees identified important issues they want to address together:

- The nitty-gritty patterns of community work: building relationships, establishing partnerships, outreach, referrals, enhancing understanding, and building capacity
- Illuminating root causes of legal issues: beyond band aids to examine the effects of poverty and discrimination from a social justice perspective
- Connecting work in the trenches with big picture trends
- Elaborating the human side of the work: people and communities not just legal procedures and processes, as important as those are, but not isolating them from the human dimensions of what happens
- Impacts on direct services of policy issues: evaluating advocacy options and effectiveness
- Systems analysis and evaluation: systems levers and dynamics that affect communities
- Holistic evaluation: looking across siloes
- Overarching principles and principles-focused evaluation:
  - Respect for people
  - Building trusting relationships
  - Long-term perspective: Developing cases over time

### **Evaluation Design and Methods**

The following methods were used to gather data to answer the above evaluation questions:

- Document Review:
  - The evaluation also included review of individual grantee reports submitted to the Minnesota Supreme Court Legal Services Advisory Committee as part of grant administration, management, and accountability.
- Case Studies:
  - In-depth case studies illustrating the legal aid work and results for each grant. The first round of case studies were chosen purposely as success cases to provide an in-depth look at diverse impacts of legal aid on individuals, families, and communities. Cases were based on interviews with the program person most knowledgeable about the case (usually the staff attorney) and the client. Case records were also used to capture details and prepare for the face-to-face interviews.
  - The second round of case studies were selected after a workshop with grantees reviewing the first round case studies. The second round of case studies were selected to illustrate issues, processes, and outcomes not fully captured in the first round.
- Case Coding:
  - Based on the first round of case studies, the evaluation team developed a coding system for capturing the nature and outcomes of legal aid cases. The coding system was reviewed by grantees during a data analysis workshop, revised based on feedback, and then applied to 5-10 recently closed cases for each grantee. Following the initial coding together by the grantee and an evaluation team member, the evaluation team reviewed the codes for reliability and validity.

### Analysis and Presentation of Findings

Each case study includes a narrative describing the legal issues in the case, the processes of interaction and engagement, the resolution of the legal issue, and the subsequent impacts on the client, the client's family, and the community. In addition, each case study includes a timeline model and logic model and a network graphic displaying the interconnections between the legal aid service provider, the client, and others involved in and/or affected by the case.

At a workshop with grantees and the Minnesota Supreme Court Legal Services Advisory Committee, draft findings were presented, discussed, and interpreted. The interpretations and conclusions in this report reflect those discussions.

## Findings

### Program Accountability

The first question that arises in any evaluation involving public funds is accountability. We have reviewed grantee applications and required reports, have conducted site visits to grantee programs, and have reviewed legal services case files and operations. We can attest that the program is effectively and efficiently administered, and that grantees are using the funds as intended. Moreover, members of the Minnesota Supreme Court Legal Services Advisory Committee and grantees cooperated fully with this evaluation and provided access to any and all documents and data requested.

### Descriptive Case Findings

To understand the value of legal aid, it is necessary to look both in-depth at individual cases as well as across cases. As noted previously, our team conducted fifteen in-depth case studies across seven legal aid agencies receiving Bank of America money. Fourteen case-study write-ups were completed and one case was not finalized due to privacy concerns. Summaries of the fourteen complete case studies are provided below. Links to the complete case studies can be found in Appendix G.

#### **Cancer Legal Care**

Tim is a 49 year-old Hispanic man who was diagnosed with Stage IV rectal cancer in spring 2017. Cancer Legal Care provided legal advice to Tim on his mortgage, vehicle, will, and insurance.

Hans was diagnosed with stage IV pancreatic cancer in August 2015. Cancer Legal Care brought in a health insurance expert to help with an insurance-related issue.

#### **Immigrant Law Center of Minnesota (ILCM)**

The Austin Area Minority Business Project (AAMBP) connected three Mexican immigrants with attorneys from the Ballard Spahr law firm. The attorneys from Ballard Spahr provided pro-bono services to help the clients establish a business entity and structure a lease to protect their new auto repair business.

ILCM assisted a young “Dreamer” to complete her application for Deferred Action for Childhood Arrivals (DACA) renewal so she could maintain her employment in Austin, MN and continue to support her family.

#### **Legal Aid Service of Northeastern Minnesota (LASNEM)**

Five university students, with support of a LASNEM attorney, filed a rent escrow action against their landlord to demand repairs to their rented house and payment of utilities.

#### **LegalCORPS**

Meseret Asfaw has owned Ethiopian Market in Minneapolis for eight years. Under their Entrepreneurs of Color Program, LegalCORPS connected her with a pro-bono attorney who helped her renegotiate her lease, obtain a new business license and work with her contractor to ensure that the planned business expansion went smoothly.



AllSquare is a restaurant and institute founded to empower people adversely impacted by the criminal justice system. AllSquare's founder, Emily Hunt Turner, reached out to LegalCORPS for pro-bono support to address employment issues, file trademarks for the logo and tagline, and review contracts and other agreements.

### **Mid-Minnesota Legal Aid (MMLA)**

Bo is a 69 year old African-American male homeowner in North Minneapolis. He reached out to MMLA when he received a forfeiture notice from Hennepin County. Bo and MMLA worked closely with the City of Lakes Community Land Trust and a case manager with the Hennepin County Human Services and Public Health Department to save his home.

Ms. M is 26 years old and has been working with a Staff Attorney at MMLA to help obtain an expungement of her criminal record and improve her employment options.

Ms. Pie is an older African-American woman who has owned her home in North Minneapolis for more than 45 years and is a pillar of her community. Under their community development program, MMLA helped her to modify her primary and second mortgages to keep her payments manageable to prevent her from losing her home.

Through the outreach efforts of the Northside Residents Redevelopment Council, two residents of an apartment complex in North Minneapolis worked with staff at MMLA to seek a legal remedy against their apartment management to resolve code violations and long-standing unmet repairs requests.

### **Southern Minnesota Regional Legal Services (SMRLS)**

The case of Nasrah Hussein v. Lasson Management is one in a series of cases filed by SMRLS on behalf of Somali immigrant and refugee residents of Parkview Heights Townhouses, a Project-Based Section 8, low-income housing complex located in Owatonna, Minnesota. The case involves legal action to address apartment repair and habitability issues, ensure availability of language interpretation services, and compel compliance with federal regulations regarding the calculation of rent.

A SMRLS attorney and concerned community members worked together to improve housing conditions and prevent the involuntary loss of housing of a Karen refugee family of ten living in Saint Paul, Minnesota.

### **Minnesota Asset Building Coalition (MABC)**

In 2017, MABC identified the suspension of driver's licenses for minor violations to be an asset-stripping practice. MABC set out to change the policy around driver's license suspensions by crafting a bill that would end the practice of license suspension for unpaid traffic tickets and worked to get it passed during the 2018 Legislative Session. See Appendix H for policy change initiatives being supported by MABC.

Based on the first round of case studies, the evaluation team developed a system for coding legal aid cases. Altogether, we analyzed seventy-eight cases, including the fifteen that were studied in-depth. The number of cases that was coded from each organization is indicated in Table 3. Not every case was able to be coded on every dimension, so the total number of cases varies slightly in the tables that follow.

*Table 3: Coded cases by Organization*

<b>Organization Name</b>	<b># cases</b>
Cancer Legal Care	12
Immigrant Law Center of Minnesota	12
Legal Services of Northern Minnesota	12
LegalCORPS	8
Mid-Minnesota Legal Aid	22
Southern Minnesota Regional Legal Services	12
<b>TOTAL</b>	<b>78</b>

*Note: MABC contributed a policy advocacy case that was not coded.*

### **Characteristics of the Case & Client**

First, we analyzed the characteristics of the case and the client. Some of the main characteristics we found to be important in the cases included:

- Primary type of legal issue to be addressed;
- Number of legal issues addressed;
- Client understanding of the legal issues at play in their situation, and;
- Extent to which the client’s life circumstances posed challenges to the successful resolution of their civil legal issues.

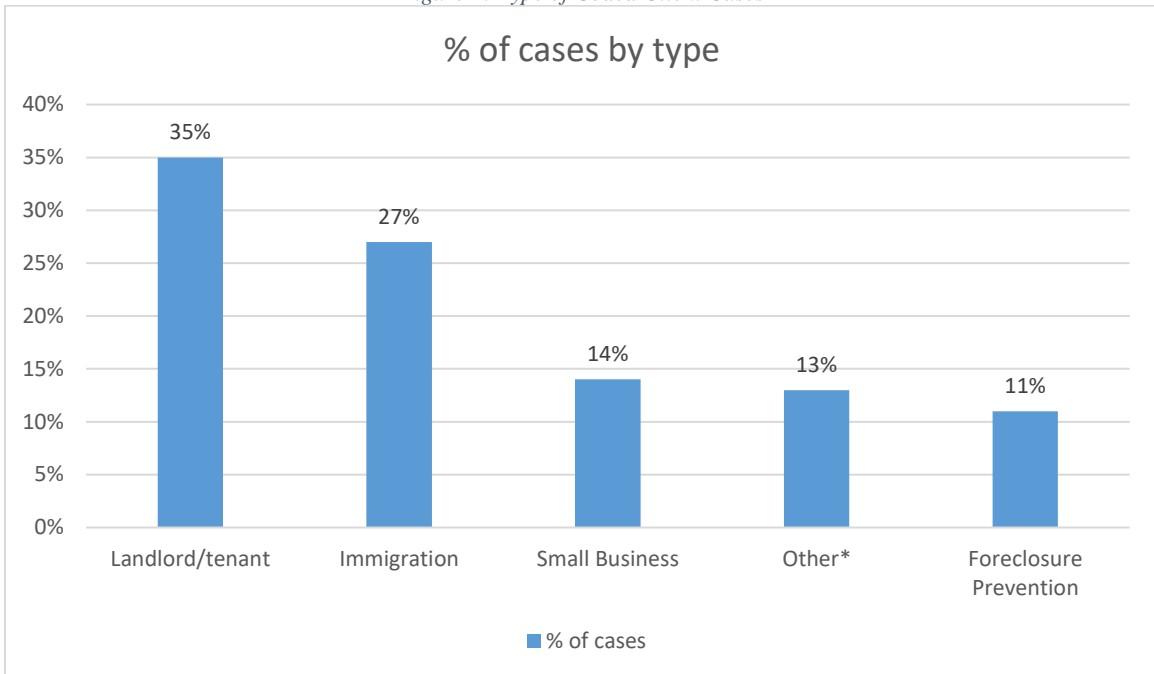
#### *Primary type of legal issues*

Of the 78 cases we analyzed, nearly half concerned housing issues, including issues between landlords and their tenants (35%) and foreclosure prevention cases (11%). Immigration cases made up just over a quarter of cases (27%), while small business law constituted 14% of cases. The remaining cases spanned a range of legal issues, including issues related to health insurance, criminal expungement, employment, wills and estates, and debt collection. See Figure 1 for a full breakdown of cases by type.

#### *Number of legal issues*

One third of the cases we coded involved more than one legal issue (see Figure 2). The cases with multiple issues spanned a variety of legal types, though were most common in landlord/tenant, small business and foreclosure prevention cases. In many cases, the client came to legal aid with a primary issue and other issues arose as the case progressed.

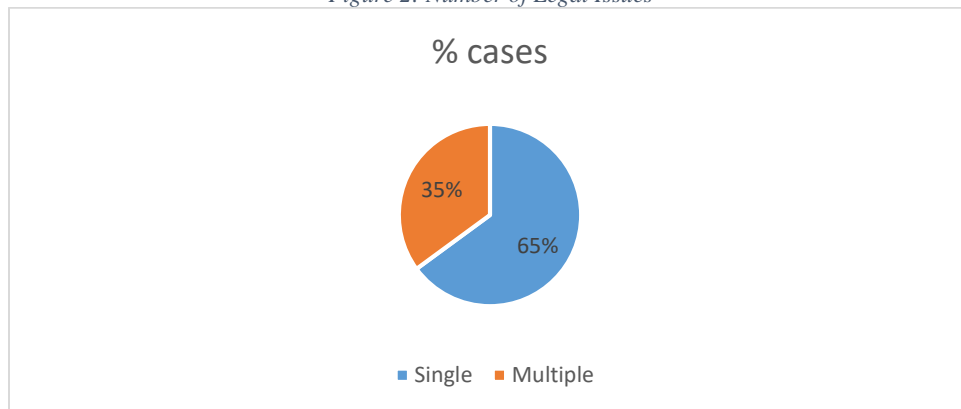
Figure 1: Type of Coded Client Cases



\*Other includes issues related to health insurance, expungement, employment, wills and estates, and debt collection

For example, when a client contacts Cancer Legal Care, they often do not know what they need. They are often overwhelmed by their diagnosis and the collateral consequences it has on all aspects of their lives. Tim was one such client. He contacted Cancer Legal Care for legal advice on his entitlement to Social Security disability, but ended up getting help with his mortgage, vehicle, will, and insurance. Cancer Legal Care was able to help him increase his income from \$9,000 a year on his employer’s disability insurance to \$14,400 a year on Social Security Disability Insurance. They also connected him to the Angel Foundation to help him continue to make payments on his home while he strategized how to avoid foreclosure. While Tim ultimately ended up selling his home and moving into an apartment, advice and referrals from Cancer Legal Care allowed him some time to make that decision.

Figure 2: Number of Legal Issues

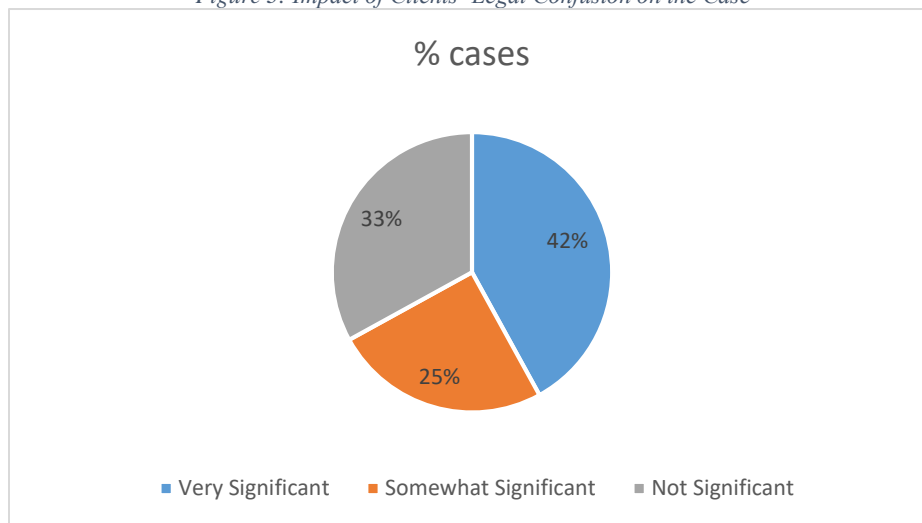


In other instances, the client was aware of the multiple issues for which they needed assistance. This initial awareness was most common in the small business examples, where clients tended to have multiple related needs at the outset of starting or expanding a business. Meseret Asfaw received help from her pro-bono attorney on a number of business-related legal issues. They helped her renegotiate her lease, helped her obtain a new business license, and worked with her contractor to ensure that the expansion of her business from a market to a restaurant went smoothly. Similarly, the Austin Area Minority Business Project connected their client with pro-bono lawyers who assisted him with both structuring his new business and negotiating his lease.

### Legal Confusion

Another characteristic we analyzed in cases was the extent to which a client understood the legal issues or rights involved in their case. We found that legal confusion played a very or somewhat significant role in two-thirds of the cases coded, as shown in Figure 3.

Figure 3: Impact of Clients' Legal Confusion on the Case



The significance of a client's legal confusion in legal aid cases is captured by Sudeall and Richardson (2019) in their study on how people experiencing poverty think about legal issues. They found that legal confusion is one of many reasons why a low-income person may not seek out civil legal counsel.

*Although civil justice issues are quite common in the United States, using the legal system to try to handle them is not. Civil justice situations are typically not seen as legal issues, but instead as bad luck, a part of life, or "part of God's plan." Thus, individuals and families faced with these challenges often use non-legal methods to address them....*

*Many low-income individuals do nothing at all to address the civil legal issues they face. Some of the reasons given for not taking action range from not realizing the legal nature of the problem, the belief that nothing could be done about the problem, not wanting the hassle, and not knowing where to get help. Other reasons include the concern for the cost of seeking help, not having time to handle the issue, and fear of pursuing legal action. Shame and*

*embarrassment can also play a role, as can feelings of insufficient power to resolve the situation favorably. Past experiences with the system — particularly those resulting in frustration — can also lead people to simply resign themselves to their present situation.*

*Thus, many people fail to seek legal assistance with civil justice issues due to a lack of understanding that the problem presents a legal issue or because they do not understand how such assistance could solve their problem. Others fail to seek advice because they do not know where to go or what to do to get advice... [L]ay people can be poor judges of whether they have enacted their rights, because they may well have no idea what their rights are and what remedies are actually available to them.... (Sudeall and Richardson, 2019, pp. 2112-2114).*

Sudeall and Richardson (2019) studied access to both criminal and civil legal services, and found significant confusion about legal services. Poor people were more likely to know about public defenders than civil legal aid services. They were confused about all aspects of legal services: eligibility, access, what services are available, legal rights, and legal processes. In particular, they found that, had some clients received the necessary civil legal assistance in a timely fashion, they might well have avoided ending up in criminal proceedings.

*The study reveals that for public defender clients, civil justice is unfamiliar territory. While not strangers to the legal system or to lawyers, the clients we interviewed had very little experience with — or awareness of — available civil legal resources. In addition, they face a number of cognitive, procedural, and structural obstacles that make it difficult to navigate the legal system, including a lack of access to information and tools that enable them to use the civil legal system to address relevant needs. Yet, their life circumstances and the situations they encounter suggest many opportunities for possible civil legal intervention.... (Sudeall & Richardson, 2019, p. 2106)*

The cases we analyzed were instances where legal confusion was not a deterrent for the client seeking legal assistance. These clients had enough of an understanding of their situation and enough trust in the system to seek out help. They also knew about legal aid, though the ways they learned about it varied. Many of the clients were referred to legal aid by other individuals or organizations with which they already had a trusting relationship. For example, Hans is a client of Cancer Legal Care, who found out about their services at a meeting of his Pancreatic Cancer support group. At the time, he was not planning to seek out assistance for an insurance matter he was having, but after learning about Cancer Legal Care's services, he sought them out. In another case, two tenants in the Northside of Minneapolis were referred to Mid-Minnesota Legal Aid by the Northside Residents Redevelopment Council, with which they already had a trusting relationship.

We hasten to add that the legal aid in these cases does not involve criminal procedures. The relevance of this research is documentation of widespread confusion about legal services among people in poverty including but not limited to those who become entangled with the criminal justice system.

### Further Case examples of legal confusion

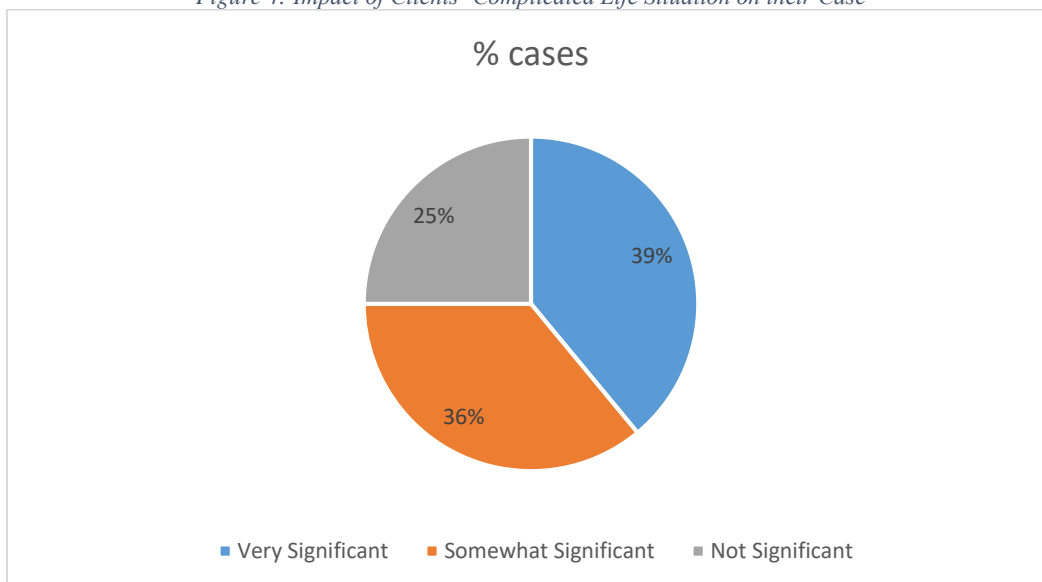
Meseret Asfaw has owned a successful Ethiopian Market in Minneapolis for eight years. She contacted LegalCORPS for help converting her market into a restaurant. While Meseret is already a successful business owner, she lacked the legal knowledge of expanding her business and did not know where to begin. She also could not afford to pay a lawyer, so getting help from LegalCORPS was critical for her to avoid legal pitfalls with her lease, general contractor, and business licenses. It also helped her to feel more confident that she was not being cheated.

Ms. Pie was a client of Mid-Minnesota Legal Aid (MMLA) in 2018. She paid off her initial, traditional 20-year mortgage in the early 1990s, and thought she understood how mortgages worked when she got a new mortgage and line of credit a few years later. It was not until she was threatened with foreclosure and approached MMLA that she was able to begin to understand the more confusing aspects of her line of credit, which had a variable interest rate, and minimum payments that were not being applied to the principal of her loan. She would not have been able to navigate the confusing and tricky loan modification process on her own.

### Client's Life Situation

Another aspect of a client's situation that we found to play an important role in the cases we analyzed was the extent to which the client's life situation posed a challenge for addressing the legal issues in the case. As shown in Figure 4, in 39% of cases, the client's life situation was very complicated and included facing a number of challenges (e.g. health, housing, drugs, family problems, job issues) that made resolving the primary legal issue more challenging. In most of these instances, the client was overwhelmed with the compounding effects of the issues they juggled. In 36% of cases, a client's life included multiple challenges, but they were manageable and only somewhat affected the case. In the remaining 25% of cases, the client did not face complicated life challenges or they did not affect the case.

Figure 4: Impact of Clients' Complicated Life Situation on their Case



### *Case examples of clients' complicated life situations*

Ms. M. was a client of Mid-Minnesota Legal Aid who faced many life challenges that affected her legal situation. As a child, Ms. M was put into foster care and adopted by a family in another state. Ms. M. grew up thousands of miles away from her biological mother. Upon returning to Minnesota as a teenager to reconnect with her biological mother, Ms. M. was forced to face the fact that her mother had bipolar disorder and was not in a condition to be the parent Ms. M. had hoped for. Following this experience, Ms. M.'s mother filed a restraining order against her, and soon after, Ms. M. was arrested and convicted for harassment and possession of alcohol as a minor.

Ms. M. was able to connect with staff at Mid-Minnesota Legal Aid who provided the necessary information and paperwork to draft a criminal expungement petition. Since then, she has unexpectedly disengaged from the process and has yet to sign the petition and move the process along. Additionally, Ms. M.'s currently suspended driver's license further delays the process of having her criminal record expunged because of the statutorily required wait period. Despite the progress she had made to better her life by enrolling at Minnesota Community and Technical College to become a nurse practitioner, the challenges of her past and circumstances of her present continue to create hurdles for her future.

The challenges that clients' complicated life situations bring to their cases extends to relationships with their legal team as well. One of the cases we explored highlighted the challenges for attorneys working with legal aid clients. In this case involving the owner of a mobile home in rural Minnesota, the attorneys negotiated what they believed was a favorable settlement for the client. They felt that it was the best financial resolution given the governing statute and what the court was likely to award. The client signed the settlement but wrote that he did so "under duress." In the end, the relationship deteriorated and after the client threatened to bring one of the attorneys before the bar, the legal aid organization had to stop representing the client.

### *Implications of case and client characteristics*

The resources required to address a case increase with each of the factors discussed above. Multiple legal issues, legal confusion, and a complicated life situation each increases the resources and the emotional investment required of the legal aid attorney in a case.

Clients who are facing complicated life situations face not just legal issues but also health, mental health, addiction, employment, abuse, and relationship challenges. In such cases, legal aid service providers engage with other nonprofit service providers because legal issues and other issues are intertwined and must be dealt with together.

Table 4 illustrates the connection between the degree of client confusion and the extent to which their life situation complicated the case. We see that 29% of cases manifest both a very complicated life situation and very significant legal confusion. Such cases take more time and require more than just legal competence. Interpersonal and communication skills are also critical in such cases. Only 10 cases (13%) involved no significant life situation and no legal confusion.

*Table 4: Legal Confusion and Complicated Life Situation*

	Very Significant Life Complications	Somewhat Significant Life Complications	Not Significant Life Complications
Very Significant Legal Confusion	29%	7%	5%
Somewhat Significant Legal Confusion	5%	13%	7%
Not Significant Legal Confusion	4%	16%	13%

One example of high levels of both legal confusion and significant life challenges is the case brought to SMRLS by the Wah family. The Wahs are overcoming many challenges as a Karen family of 10 who recently immigrated to the United States from a refugee camp in Thailand. They are learning English and literacy skills while spending approximately half of their income on housing alone. When water began entering their apartment from a higher floor, they were unable to get their property manager to stop the leak and repair the damage, despite multiple requests. Living in a wet apartment and losing the ability to use one of their two bathrooms caused the family to suffer from poor mental health, particularly some of their children. And the family was extremely scared when they contemplated having to leave their apartment and considered hiding in the woods as they felt they had no other housing options. Fortunately, the attorney at SMRLS was able to negotiate with the lawyer for the property management company and assure the family that they did not have to leave the apartment. Moreover, the SMRLS attorney compelled the landlord to repair the apartment and to provide a half month of rent abatement. The family is now back in their apartment, saving money, and building up their credit to achieve their dream of home ownership.

While the Wah family’s case was focused on a single legal issue, another SMRLS client, the Hussein family, had a similarly complicated life situation, significant legal confusion and multiple legal issues. Nasrah Hussein, a Somali refugee, along with her husband and their five children under the age of eight, have lived at Parkview Heights Townhouses since September 2016. For months, Ms. Hussein reported to management that her unit required repairs to improve habitability but nothing was done. The management company had also been charging Ms. Hussein the full market rent for her unit instead of 30% of their income, which is the appropriate amount for her Section 8 housing. Ms. Hussein was referred to SMRLS by another tenant to help resolve these issues. When Lasson Management issued Ms. Hussein a 30-day eviction notice, her lawyers at SMRLS learned that the property management company was not providing translated documents and/or an interpreter for tenants with limited English proficiency, including Ms. Hussein. SMRLS filed Fair Housing complaints on behalf of a number of Somali tenants at Parkview Heights due to the lack of compliance with federal laws that mandate interpretation services for limited English speakers.

As is clear from these examples, cases where clients are confused about their legal issues, particularly clients from new immigrant communities, and have life situations that pose



significant challenges to addressing those issues required much more supportive services than what is traditionally thought of as legal work. In the section below, we explore the inputs and activities legal aid brought to bear on the cases in more detail.

### Legal Aid Approach

Through workshops with grantees, we identified four main approaches to legal aid support – reactive, generative, preventative, and systems change. One third of cases fell under two or more of these categories.

**Reactive cases** are those that resolved a serious legal issue facing a client. Clients came to legal aid at various stages of their legal challenges, but all those characterized as reactive were already experiencing an active issue such as an imminent foreclosure, issues with their landlord, or a threat to their employment status.

*Example:* Ms. Pie received a notice that foreclosure was imminent and immediately contacted MMLA to see what could be done to save her home. Because she reacted quickly to the foreclosure warning, MMLA was able to assist her in modifying her existing loan, which stopped the foreclosure process. Because of the success of this loan modification and her satisfaction with MMLA's excellent work, Ms. Pie reached out again to MMLA months later to modify her second mortgage as a preventative measure. MMLA successfully stopped Ms. Pie from having to face foreclosure.

**Generative cases** are those that created opportunity or economic development, such as helping to start a business, buy a house, or qualify for education.

*Example:* In the case of EZ Fix Motors, pro-bono legal advice ensured that the clients, Mexican immigrants, could establish a successful business while fully protecting their personal assets. This contributes to the economic well-being of the entrepreneurs, their families, and the community.

**Preventive cases** are those that served to prevent a legal issue from becoming a crisis. These cases often involved getting legal paperwork or processes done right.

*Example:* The Immigrant Law Center of Minnesota's work to renew their client's Deferred Action for Childhood Arrival (DACA) status. DACA prevents possible future deportation and damage to the client, her family, and the community. Ensuring her DACA is renewed on time allows their client to work without interruption and feel more assured of her security in the United States. This case was also generative, because DACA status allows the client to pursue opportunities such as education and employment.

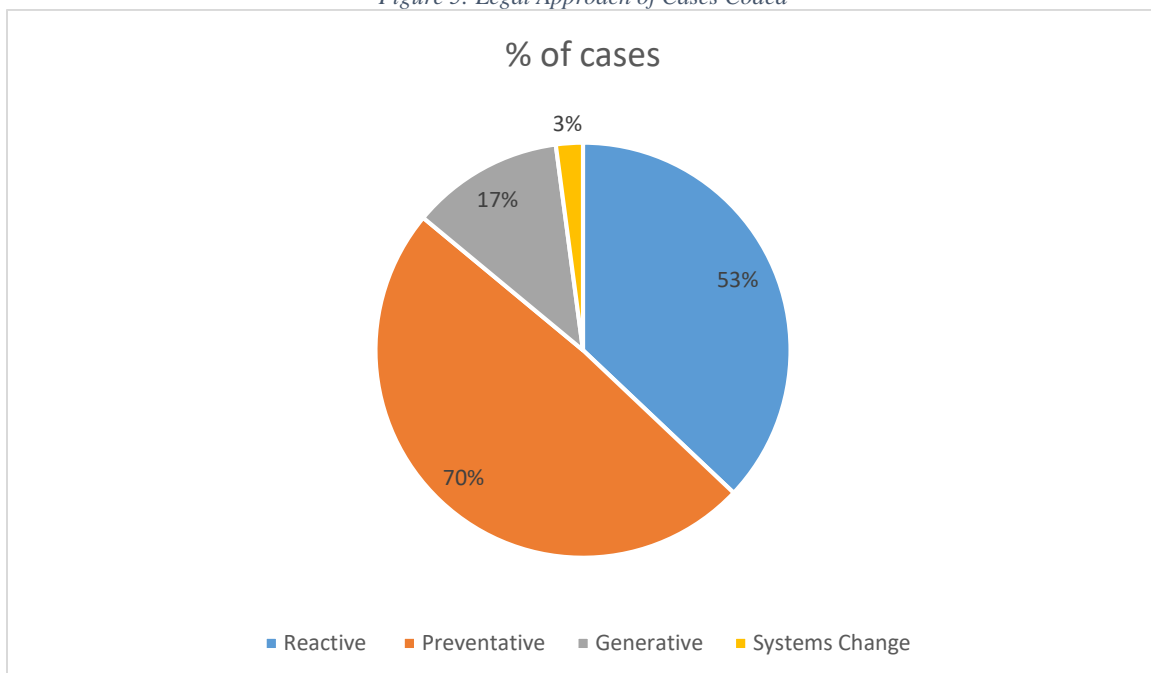
**Systems change cases** addressed a law or policy that changed (or had the potential to change) the way a system works for people. One of the most common ways that legal cases can change a system is when they become class action suits. However in 1996, any organization receiving money from the Legal Services Corporation was prohibited from initiating or participating in class action suits. This restriction was part of the Omnibus Consolidated Rescissions and

Appropriations Act, passed amidst other sweeping reforms of public benefits structures under the 104<sup>th</sup> Congress (Brennan Center for Justice, 2003). This restriction makes the work of the Minnesota Asset-Building Coalition (MABC) even more important. MABC, a program of Mid-Minnesota Legal Aid, was launched in 2012 to promote more effective state-level advocacy for systems change to prevent asset-stripping practices. While MABC does not take on individual cases like the other grantees in this evaluation, we conducted a case study of their work and provide a summary here. The complete case can be found in Appendix G.

*Example:* In 2017, MABC identified the suspension of driver’s licenses for minor violations to be an asset-stripping practice. In Minnesota, unpaid tickets for minor moving violations can quickly lead to a license suspension, which has significant economic and social implications for the primarily low-income people affected by the practice. In 2018, 55,000 Minnesota driver’s licenses were suspended only for unpaid traffic tickets, according to the Court Administrator’s Office. MABC set out to change the policy around driver’s license suspensions and brought together a “fines and fees” committee to look more closely at the issue. They crafted a bill that would end the practice of license suspension for unpaid traffic tickets and worked to get it passed during the 2018 Legislative Session.

The percentage of cases in each category is outlined in Figure 5. The legal aid services in our sample were highly oriented towards prevention, with 70% of cases having a preventative aspect.

Figure 5: Legal Approach of Cases Coded



Earlier we presented data that a third of cases involved more than one legal issue. Similarly, we saw that a third of cases also involved more than one legal approach. For example, the case of Mesert Asfaw described in previous sections not only prevented legal issues from arising during

her business expansion, but also generated new opportunities for the client and community by supporting the development of a new business.

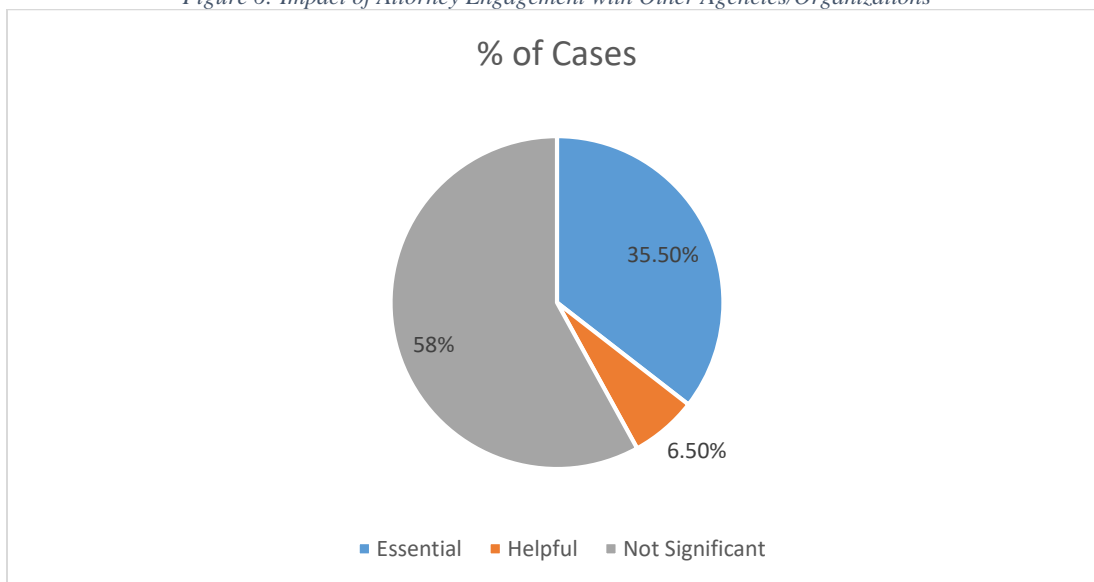
### Case Inputs and Activities

After looking at the characteristics of the client and the case, we explored the various case inputs, including the role of pro-bono support, specialized knowledge, engagement with other agencies, and an investment of community resources.

#### Engagement with Other Agencies/Organizations

While the majority of cases did not require significant engagement with other agencies, in more than a third of the cases we analyzed, the attorney found it essential to engage with other agencies or organizations for assistance. See Figure 6 for a full breakdown of the role of engagement with other agencies across cases.

Figure 6: Impact of Attorney Engagement with Other Agencies/Organizations



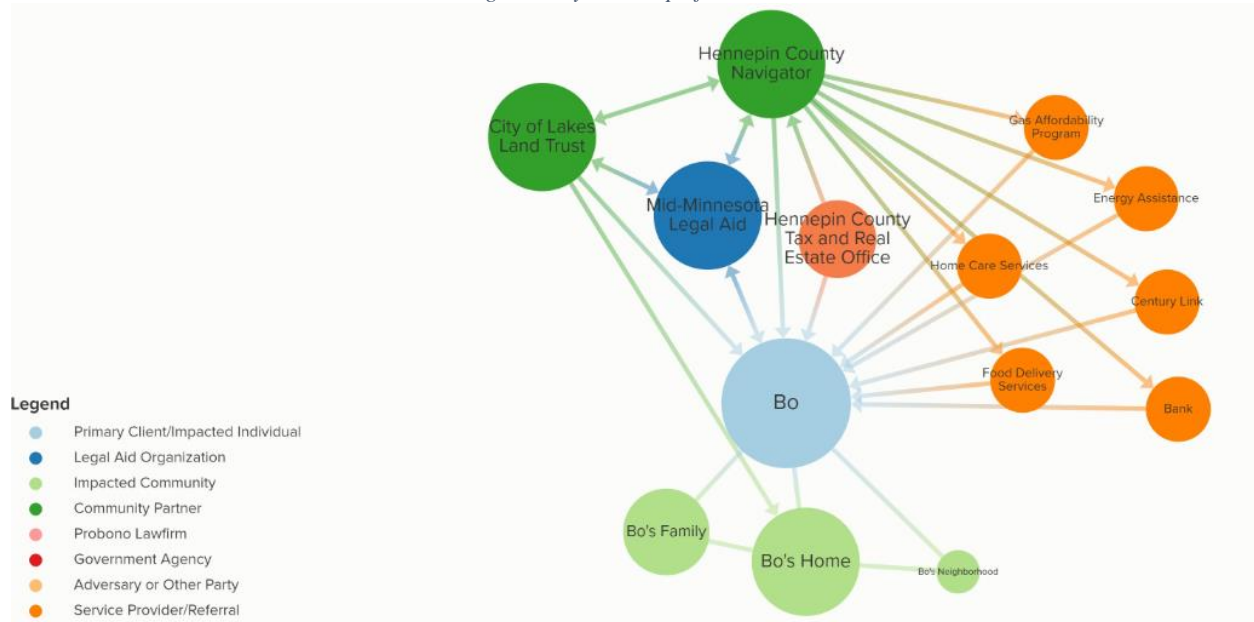
In order to engage with other agencies on a case, legal aid attorneys must build relationships with potential partner organizations over time. Particularly in more rural communities, legal aid offices often serve as a hub connecting people to many different resources in the community. These relationships serve two critical roles in legal aid:

- (1) Allow attorneys to identify resources that can help a client address their current legal issue or avoid an issue in the future;
- (2) Receive client referrals.

In both instances, engagement with other organizations can help reduce the amount of time required from the attorney. In the case of attorneys making the connection or referral for the client, an outside organization may be able to mitigate some of the issues impacting the client's legal situation, thus making it more likely to be resolved. For example, Bo went to MMLA for help preventing the forfeiture of his home in 2018. In order to help Bo, MMLA engaged the City of Lakes Community Land Trust, which provided funding to save Bo's home, bought the

property the home sits on, and invested in fixing up the house. MMLA also coordinated with the Hennepin County Navigator, an extension of the county office addressing forfeitures, to help Bo develop a plan to address his debt so he could afford to keep his home. The partnership between these three agencies was an essential aspect to resolving Bo’s case and saving his home. The multiple players involved in Bo’s case is captured visually in a systems map, presented in Figure 7.

Figure 7: System Map of Bo's Case



System maps like that in Figure 7 are included in each of the case studies in Appendix G.

In the case of an organization referring a client to legal aid, the partner organization may have already addressed some of the issues facing the client. They are also likely to ensure that the client received support before their legal issues intensified. For example, Meseret Asfaw was referred to LegalCORPS by the Neighborhood Development Center (NDC), a non-profit community development financial institution that was providing business advice to her. She was hoping to convert her business from a market to a restaurant, and NDC encouraged her to seek out pro-bono legal support to prevent any legal issues from arising during this process. Had Meseret not received help on the front end, it is possible that she would have encountered issues along the way that would have ultimately been more time-consuming and complex than the preventative work.

When we break down engagement by type of case in Table 5, we find that engagement of other agencies was essential for half of foreclosure cases such as Bo’s, while 70% of small business cases, like Meseret’s, involved other agencies in an essential way. One-fourth of landlord/tenant issues rated involvement of other agencies as essential or core. Only 1 of 11 immigration cases involved other agencies.

Table 5: Engagement with other organizations by type of case

	Essential	Helpful	Not Significant
Foreclosure	50%	9%	41%
Immigration	9%	0%	91%
Landlord/ tenant issues	24%	8%	68%
Small Business	70%	10%	20%
Other	25%	0%	75%
% of cases by engagement level	35%	6%	57%

Cases where clients’ life situations make their legal issues more complicated are somewhat more likely to require the engagement of other agencies and organizations. Again, Bo’s case illustrates this connection well. As shown in Table 6, 14% of cases that manifested very significant life situations were cases in which engagement with other agencies was essential to successful resolution of the matter. Combining very significant and somewhat significant life situations with essential and helpful engagement with other agencies, 34% of cases manifested this combination.

Table 6: Complicated Life Situation by Engagement with Other Organizations

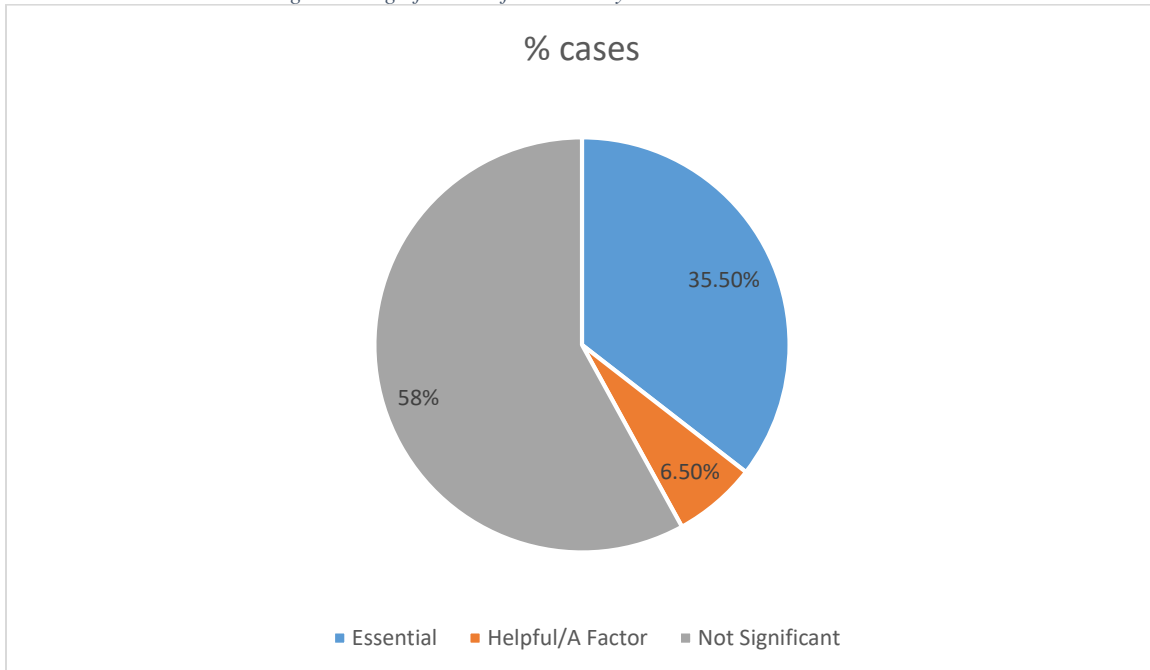
	Very Significant Life Complications	Somewhat Significant Life Complications	Not Significant Life Complications
Engagement essential	14%	16%	5%
Engagement helpful	3%	1%	3%
Engagement not significant	22%	17%	17%
<b>Total</b>	<b>39%</b>	<b>34%</b>	<b>25%</b>

### Community Investment

In addition to the ways that legal aid engaged other organizations in resolving the case, we also explored the significance of investment in the case by the community. Such community investment was essential in a third of cases, as shown in Figure 8.

In most cases, community investment was financial, though it could also involve significant time or other resources. For example, beyond the time invested by Cancer Legal Care in Tim’s case, there was additional community investment in the form of a one-time grant from the Angel Foundation to help Tim cover the mortgage payment on his home. He also began receiving \$1,200/month in Social Security Disability.

Figure 8: Significance of Community Investment on Client Cases



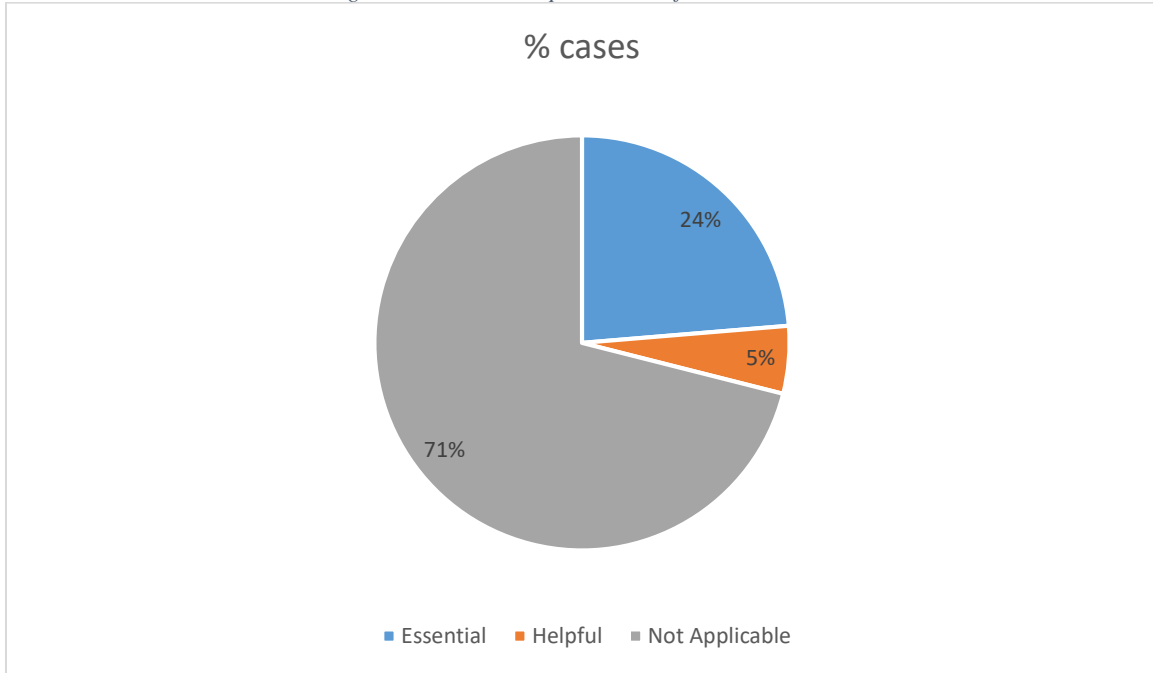
The Wah family, discussed previously, was strongly supported by the church members who co-sponsored the family’s immigration and resettlement. The members checked on the family regularly since they arrived in Saint Paul. The members became even more involved in their lives after their apartment was water damaged. They requested the property manager repair the apartment by email, calls, and in person, and eventually took strong action through submitting a “Notice to Repair” letter stating that the family would stop paying rent if their apartment was not repaired. While not a monetary investment, the amount of time invested by community members to support the family was substantial.

#### *Pro-Bono Support*

Another case input we explored was the role of pro-bono support. Pro-bono support is central to the model of some legal aid organizations, while it is less used in others. The majority of cases did not involve pro-bono support, as shown in Figure 9. When we break-out pro-bono support inputs by case type in Table 7, we find that it was essential in all small business cases, and nearly all of the cases in the “other” category, which tended to be somewhat more complicated matters. The role that pro-bono support played in two of the small business cases is described below.

LegalCORPs’ model is to connect individuals with pro-bono attorneys, so pro-bono support is nearly always essential in the cases they handle. One such case was the support provided to All Square, a restaurant and institute to empower people adversely impacted by the criminal justice system. LegalCORPS matched the founder of All Square - Emily Hunt Turner, with a pro-bono attorney - Karen Lundquist - to support the opening of a restaurant and training institute for people involved in the justice system. Karen provided 15-20 hours of pro-bono support to address employment issues, file trademarks for the logo and tagline, and review contracts and other agreements.

Figure 9: Pro-Bono Representation for Coded Cases



The Immigrant Law Center of Minnesota and the Austin Area Minority Business Project (AAMBP) connected three Mexican immigrants with pro-bono lawyers who are experts drafting business documents and negotiating leases. The pro bono support ensured that the newly formed business would be protected from future legal concerns. As the AAMBP lead stated, “The lack of [legal advice] is the demise of many a small business.” Not so in this case.

Table 7: Pro Bono Support by Case Type

	Essential	Helpful	Not Applicable
Foreclosure	5%	14%	81%
Immigration	0%	0%	100%
Landlord/ tenant issues	0%	4%	96%
Small Business	100%	0%	0%
Other	88%	0%	13%

#### Discussion of Social Justice Issues and Pro-Bono Support

In setting the context for this evaluation, we noted the transformative influence of Reginald Heber Smith’s 1919 book on *Justice and the Poor*. Smith believed that “informal legal aid work,” what today we would call pro bono, had always existed to some extent, especially in rural towns where people were in close association with each other and knew who was in need. He believed that such voluntary legal service as a matter of charity was praiseworthy, but viewed it as “transitory and fleeting” and left “nothing permanent on which to build.” He compared this to the difference between a doctor treating an individual patient and a doctor building a hospital. In the absence of formal legal aid programs, leaving access to the legal system to the charitable

whims of individual attorneys was simply not sufficient in an era of increasing urbanization and immigration. (Smith, 1919, pp. 133-4).

John M.A. Dipippa (2018), on the occasion of the 100<sup>th</sup> anniversary of Smith's *Justice and the Poor*, has taken a close look at legal services progress over the last century. At the time of his review he was Interim Dean and Distinguished Professor of Law and Public and Policy, University of Arkansas at Little Rock, William H. Bowen School of Law. We quoted his judgment earlier in setting the context for this evaluation that "As we come upon the 100th anniversary of its publication, *Justice and the Poor* reminds us that we are not much closer to Smith's vision of equal justice than we were in 1919." (Dipippa, 2018, p. 73).

Smith was critical of and skeptical about pro bono legal aid because it would be left to the whims of lawyers who would be disinclined to take on difficult or controversial cases.

*Smith believed that, ultimately, legal assistance to the poor had to become a public responsibility. "Inasmuch as the legal aid organizations are rendering an essential public service, it is likely that ultimately their work will pass under public control." Smith came to this conclusion after a conversation with Louis Brandeis, where Brandeis argued that equal justice is a right, not charity... In the long run, though, he believed that access to justice was a public responsibility and that public funding was not socialism but equality. The state should foot the bill in proper cases where a lawyer's services were necessary to achieve equality before the law because the state was a silent party in interest in every case. The state built the courthouse, paid the judge, paid the clerk, and forced litigants to use these institutions. In other words, the state monopoly on the mechanisms of justice dictated that it must take the primary responsibility for securing access to its system.*

*In sum, Smith described a system of justice that failed to live up to its promise of equality. Its cost excluded people without means, and its custodians—the lawyers—failed to correct this deficiency. Smith forcefully argued that lawyers had a moral and political responsibility to take action promptly [in support of public legal aid]. (Dipippa, 2018, pp. 90-91).*

In updating the state of the Justice and the Poor since Smith's classic manifesto, Dipippa considers the current state of pro bono programs. He notes that pro bono services have become institutionalized and sophisticated.

*Yet, they fail to address the legal needs of the poor in at least three prominent ways. First, pro bono can never be as efficient as a paid staff attorney. It takes fifty-nine pro bono attorneys to handle the annual workload of one paid legal services staff attorney. Although private attorneys are doing more pro bono than ever, the percentage of participating attorneys is still remarkably low. Second, pro bono attorneys choose "safe" cases. Law firm pro bono is a marketing tool. Appearing to do good is good for business. But, law firms do not want to alienate their important and paying clients. Thus, it is unlikely that a firm will take a case that is controversial to its clients.*



*Moreover, firms employ a generous understanding of positional conflicts to avoid taking a case where even the issue might annoy some of its clients. The result is that the poor get more and more of what they already have: access to lawyers for cases involving other poor people, but very little access to representation in other types of cases.*

*Finally, pro bono service limits the capacity of the law to develop in response to the needs of poor people. Most pro bono attorneys are not poverty law specialists. General practitioners may have some familiarity with basic issues, but the work of more specialized attorneys has no connection to most poverty law issues. A securities lawyer will not necessarily be competent to handle a welfare law or housing matter.*

*Accordingly, most organized programs will try to match attorneys to their expertise or provide material to assist the lawyer. The result is that few complicated or cutting-edge cases make it to pro bono attorneys. Rather, the basic services already provided in part by legal services organizations are handled by pro bono attorneys. (Dippa, 2018, pp. 107-109).*

The way pro-bono support was being applied in the cases we analyzed confirms that it seemed to be most appropriate in business development cases where the legal needs of the client were relatively straightforward. The cases in the “other” category where pro-bono services were used either required a specific set of legal skills that the legal aid attorney did not have, or fell under the Cancer Legal Care model of making pro-bono referrals on a range of issues rather than staffing for all of those issues. Thus, we found the use of pro-bono services by legal aid to be appropriate. Indeed, including this critique of pro bono legal services is in no way meant to disparage the pro bono services represented in this sample. It is rather to call attention to the larger social justice issues that are raised and illustrated by this set of community partnership legal aid services. One argument made by President Trump for eliminating all federal legal aid funding is that the states and pro bono services can handle what is needed. The evidence indicates otherwise when viewed through a social justice lens.

### *Specialized Expertise*

In 12 of the 77 cases we coded, legal aid attorneys brought in outside experts to provide support. One such case was the expungement of Ms. M’s criminal record. This case was the first criminal expungement that the MMLA staff attorney had ever prepared, and so he sought out the advice and expertise of other legal professionals. The attorney leaned on partners at the Volunteer Lawyers Network (VLN) for expertise on how to prepare the petition and the types of information to include in the petition to reach the best outcome. Given the attorney’s lack of experience, it was helpful to have the support of VLN to review the quality of the petition and increase Ms. M.’s probability of having her request approved.

In the case of Hans, Cancer Legal Care brought an insurance expert in to resolve his case. The insurance expert was not an attorney, rather he was a former insurance company executive and was able to work through his personal and professional networks to resolve the case. Since working on Hans’ case, Cancer Legal Care has hired him to work on other cases because confusion about insurance issue is so common among their clients.

Despite some important instances of the significance of specialized expertise, 84% of cases did not require expertise beyond that available in the local legal aid office or pro-bono attorney. This was true regardless of type of case, as shown in Table 8.

*Table 8: Specialized Outside Expertise Needed by Type of Case*

	Essential	Helpful	Not Significant
Foreclosure	9%	0%	91%
Immigration	0%	0%	100%
Landlord/ tenant issues	12%	0%	88%
Small Business	10%	10%	80%
Other	38%	25%	38%
Total Cases	12%	4%	84%

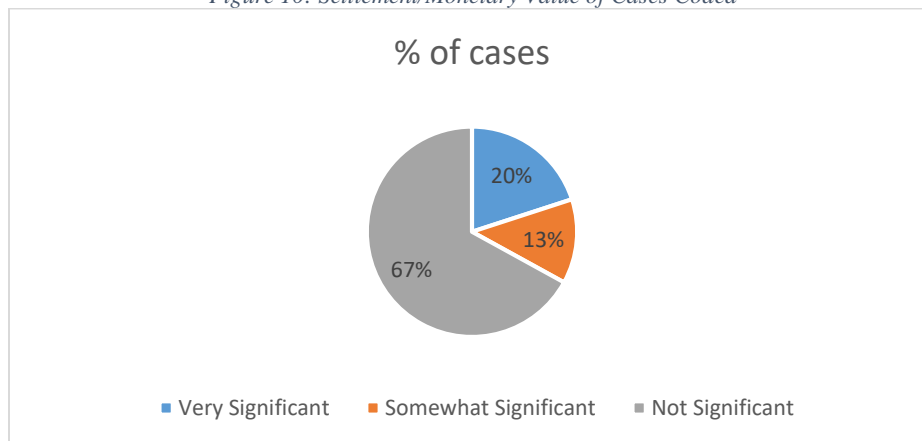
### Legal Aid Impacts

Now that we have explored the implications of the various case characteristics and inputs, we turn to an analysis of case outcomes and impacts of legal aid services.

### Settlement/Monetary Value of Cases

One clear way to measure impact is financial benefit to the client. As shown in Figure 10, one third of the cases in our sample involved a significant monetary settlement or award or resulted in a significant financial gain for the client.

*Figure 10: Settlement/Monetary Value of Cases Coded*



The immediate financial significance of a case was least significant among immigration and small business cases, as shown in Table 9. These cases likely have a longer-term financial benefit, but we were not able to code for those benefits at the time of case closing without making significant assumptions. A longitudinal study of client impacts would likely reveal such an impact based on the stories we heard from clients about other benefits they gained as a result of legal aid support.

Table 9: Settlement/Monetary Value by Case Type

	Very significant	Somewhat significant	Not significant
Foreclosure	27%	27%	45%
Immigration	0%	0%	100%
Landlord/tenant issues	16%	12%	72%
Small Business	10%	10%	80%
Other	50%	0%	50%
<b>TOTALS</b>	<b>20%</b>	<b>13%</b>	<b>67%</b>

#### Case Examples of Significant Monetary Settlement

Bo owed over \$9,000 in back-taxes and his home had no running water when he first approached MMLA to stop the forfeiture proceedings on his home. Through work with the City of Lakes Community Land Trust and the Hennepin County Navigator System, his tax debt was taken care of, and improvements to his home are ongoing. The Land Trust found grant money to end forfeiture proceedings and make necessary improvements to his house, while the Navigator system helped him manage other bills, including settling over \$5,000 in late energy bills. The over \$14,000 he owed is now settled, and he is able to afford his monthly bills with his social security income. Through the agreement MMLA made, the value of his home and his quality of life has improved significantly, and if he wishes, the equity of his home may be sold or left to his heirs. The monetary value of the work done by MMLA is enormous to Bo.

The Hussein family and their property managers reached a settlement agreement and the family's rent ledger was revised to reflect a credit of \$1,500, with no unpaid rent, repair costs, or late fees. Additionally, management corrected the ongoing rent payment amount and completed all necessary repairs on the apartment. As Mrs. Hussein said, "I don't think I can ever forget what [the lawyers] have done for me."

### Other case outcomes

Beyond the tangible financial settlements, our in-depth case studies revealed a range of other tangible benefits to the clients, including, but not limited to, the following:

- Improved living conditions;
- More favorable contracts (leases, mortgages, employment);
- More secure immigration status, enabling clients to secure employment or education;

Beyond these tangible case outcomes, a common outcome mentioned by several clients was something that is impossible to measure, but also invaluable: peace of mind. A staff member at Cancer Legal Care described the peace of mind that cancer patients find when they finally get help:

*I think there is a certain comfort level when somebody gets ahold of Cancer Legal Care that, 'oh, there is an attorney here working on my behalf.' I think people feel a sense of confidence when they have somebody with a legal background who is looking into their case...this stuff gets very confusing...People who understand the crazy health care system that we operate in and have maybe some contacts that can help get things resolved. I think there is a little bit of a peace of mind and it is all done at no cost to the client and family. (Grantee debrief)*

Whether for a cancer patient facing a long journey of recovery, a new business owner, or a recent immigrant, the peace of mind of having a lawyer to look out for these clients came up time and time again.

Another intangible benefit to the clients is an increased trust in legal aid, and in some instances, in the legal system more broadly. Particularly in instances where the client is someone who is marginalized in society, such as an immigrant or person of color, a positive experience can mean that others in their network may also be more likely to come to legal aid for help. For example, the tenants' rights case handled by Mid-Minnesota Legal Aid resulted in even more tenants coming to MMLA for help once the original tenants' cases were closed favorably. Each in-depth case study contains a logic model that outlines some of these intangible and longer-term outcomes.

### Significance of case outcome for client, family and community

Whether financial, emotional or other, we analyzed the significance of the case outcome for the individual, family, community and system in which the clients live. Each of these levels of impact is described in Table 10.

Table 10: Case Impact Levels

	High Impact	Medium Impact	Low Impact
<b>Individual:</b> significance of case outcome on the client's own life	<i>Made a major difference to the client's life.</i>	<i>Helpful but not life-changing.</i>	<i>Problem not solved.</i>
<b>Family:</b> significance of the case outcome for family of client	<i>Saved the family; major help to the family; significant family consequences.</i>	<i>Helped the family; moderate family consequences</i>	<i>Minimal or no family consequences.</i>
<b>Ripple Effects:</b> significance of the case outcome for others who may find themselves in a similar situation in the future	<i>Case has the potential to improve the lives of other individuals in the future (e.g., improving housing for future tenants, keeping house affordable to low income families, etc.)</i>	<i>Some benefit to people who could be affected in the future (e.g., solving a minor housing problem for future tenants; opening up minor benefits for people in the future)</i>	<i>Case is unlikely to impact anyone other than the client and their family in the future.</i>
<b>Community:</b> significance of the case for the client's community	<i>Case addressed a key community problem (e.g. removing dilapidated housing; shutting down a predatory lender; providing social justice that affects the well-being of a number of people in the community; positive community development)</i>	<i>Some community implications and benefits; not major but useful.</i>	<i>Little or no community implications or benefits.</i>
<b>System:</b> significance of the case for the system in which the client live	<i>Major system change: new laws, regulations, procedures, opportunities, collaboration, protection of new rights, removal of barriers to help.</i>	<i>Some system change: raise awareness of unfair laws, regulations, procedures; small opportunities, collaboration, enforcement of rights, access to help.</i>	<i>No changes to the way the system functions as a result of this case.</i>

Table 11 provides an overview of the percentage of cases with high, moderate, or low/no impact across these five categories. We have also provided one example of a case in each category, though many of these cases demonstrated impact across multiple levels. We see that the highest impact was on the individual and family level, while there was only low or no impact for most cases on the system level. This low level of system-level impact is largely due to the fact that we did not code the work of the Minnesota Asset Building Coalition (MABC) because it was not

individual cases, but instead focused on policy advocacy. Furthermore, several cases had the potential to have system-level impacts in the future, but because this study was time-bound to the present, it was not possible to predict the system impact of cases. The system level policy impacts of MABC are discussed below. Table 11, then, codes only individual legal aid cases.

*Table 11: Legal Aid Impacts by Results Level*

	High Impact	Medium Impact	Low/No Impact
Individual	64%	26%	8%
Family	45%	19%	36%
Ripple effects on future individuals	11%	15%	74%
Community	9%	19%	72%
System	0%	5%	93%

#### High Individual Impact

Bo lives alone at his home, with aid from a home care worker. When Bo first approached MMLA, his house was in serious disrepair, and if inspected may have been condemned. He had no running water, just a spigot in the basement. His home care worker would carry water upstairs daily. His home now has running water and additional home repairs that make his home more livable. Additionally, over \$14,000 in debt was relieved or taken care of by MMLA’s work with partners. Bo can now afford his monthly bills, and lives without fear that he will lose his home. He will be able to live in it for the rest of his life or sell it as he chooses, maintaining most of the value of his home. His home is in better condition than ever because of the repairs that continue to be made, improving Bo’s quality of life greatly.

#### High Family Impact

Hans has a wife and two teenage children. Recouping the \$4,500 in out-of-pocket expenses with help from Cancer Legal Care was significant not just for him, but for his entire family. His daughter will be attending college in the fall and his wife is also going back to school. Hans’ work as an IT consultant is highly variable and he is often unable to work due to his illness and treatments.

#### High Ripple Impacts

Repairing the townhomes at Parkview Heights in Owatonna not only improves the lives of the current residents, but improves housing safety and quality for future residents as well. Additionally, the complex’s Language Access Plan ensures that current and future residents will be able to communicate with management regardless of their English language proficiency.

#### High Community Impacts

The pro-bono legal support provided to All Square via LegalCORPs put the restaurant and social enterprise on the path to success. Investing supports for the restaurant and institute had an economic impact on the community, just as it would for any new business, but also a significant social impact by empowering formerly incarcerated people to reintegrate into their communities as well.

### System-level Impact

As noted previously, systems change can be hard to achieve with a single case unless it turns into a class action or is heard by a higher court. Still, some of the cases we analyzed did have high system-level impacts. One example is the case of *Thompson et. al. vs Rosemont Property Management* illustrated that low-income individuals are vulnerable to predatory landlords, especially when affordable housing is scarce. When legal aid attorneys work with tenants to confront uncooperative landlords, this can prevent eviction and housing loss, improve the quality of housing stock, and, potentially, make lasting changes to city services systems to the benefit of low-income tenants.

As noted above, only individual legal aid cases were coded for system-level impacts. However, we would reiterate that Community Development and Legal Assistance grants included specific attention to system level impacts through support to the Minnesota Asset Building Coalition (MABC). Appendix H reports the systems change policy advocacy work being undertaken by MABC on multiple fronts.

### Impact across Multiple Levels

The tenants' rights cases handled by MMLA demonstrate impact across levels. The lives of the individuals in the two cases were significantly improved by the outcome, as were the lives of their family members. Other residents and community members were empowered to file complaints, which should lead to a reduction in landlord/tenant issues going forward. Future tenants benefitted from MMLA's attempt to remedy the imbalance of power between tenants and management. By taking on multiple cases in the same building against the same landlord, MMLA has the potential to have a bigger system-level impact by ensuring that landlords are held accountable for unfair practices and unsafe living conditions.

Appendix F shows the level of impact for each type of legal case.

### Interpretation of the Impact

Based on the coding of the 78 cases, the analysis of the 15 in-depth cases, and reflective practice with the grantees, we have found that for people experiencing poverty, having an avenue to address legal issues effectively can mean the difference between a downward spiral into deeper poverty and a pathway to a better life. Saving a home from foreclosure, developing a small business, following immigration procedures meticulously, affording cancer treatment, and resolving landlord/tenant issues can prevent problems from escalating into homelessness, loss of income, a sense of despair, and hopelessness.

Moreover, the data show that legal issues are interconnected with other challenges people in poverty face: health, mental health, abuse, discrimination, lack of educational access, job insecurity, and inability to get needed services or assistance. Those seeking legal aid are often facing multiple issues, may be confused about their legal options and rights, and cannot solve other problems they face without getting legal obstacles removed. The evaluation results show that not only are those seeking legal aid helped, but their families and communities often benefit as well.



Legal aid helps weave a community network of support and possibility that builds cohesion and strengthens social capital, which research shows is critical for vital and thriving communities. People helped by legal aid come to believe that law and justice can benefit them, and feel included in rather than excluded from the social fabric of their larger community. Achieving such results involves more than legal advice and action. It means building trust with those seeking help and strengthening relationships with nonprofit, government, and private sector partners to leverage legal aid resources to create positive ripple effects economically, socially, and politically. Those helped can become stable, contributing members of the community, increasing the sense of community well-being and hope. In these ways, legal aid is not just providing a needed service but constitutes an infrastructural investment in people and communities.

### Social Justice and Legal Aid

Looking at the cases through a lens of social justice meant identifying the extent to which a case addressed discrimination or focused on upholding the rights of a protected class of citizens. A protected class refers to a group of people who qualify for certain special protection under a law or policy. Protected classes can be created by federal law and/or by state law.

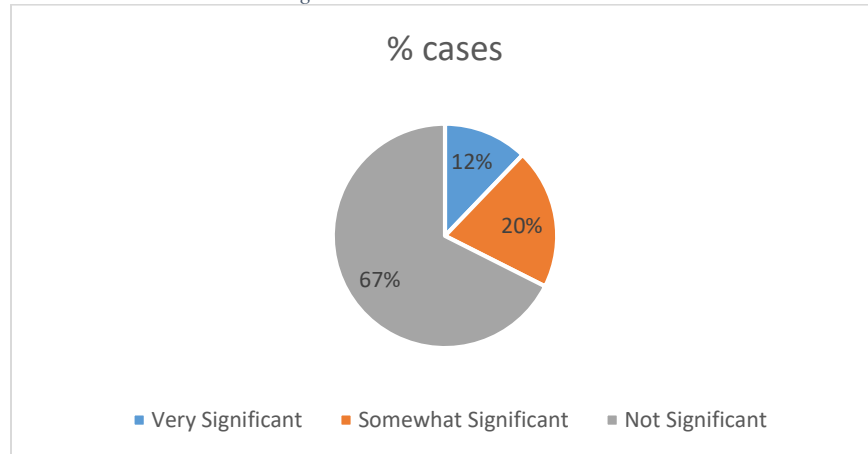
Some classes protected under federal laws include:

- Race
- Color
- Religion or creed
- National origin or ancestry
- Sex
- Age
- Physical or mental disability
- Veteran status
- Genetic information
- Citizenship

Through this evaluation, we found that protected client's rights were directly at risk in 9 cases, while rights-based issues were peripheral in 16 cases. Taken together, this means that the preservation of protected clients' rights played a role in a third of all cases in this evaluation. See Figure 11 for a full breakdown.



Figure 11: Client Protected Status



### Case examples in which a client's protected status was significant

Diana, a Deferred Action for Childhood Arrivals (DACA) “Dreamer” was brought to the United States from Mexico by her mother when she was 8 years old. Without DACA she would not be able to legally work in the United States and would be under constant fear of deportation. With her DACA rights enforced, she is a contributing member of her community - working in Human Resources at the local meat processing plant and taking care of her family, including a daughter with a chronic health condition. Assistance provided by the Immigrant Law Center of Minnesota ensured that her renewal would be submitted correctly and on schedule during a time of frequent immigration policy changes.

SMRLS helped the Hussein family and other Somali immigrant and refugee families in Owatonna who were living in a dilapidated Section 8 housing complex. In addition to addressing repair and rent calculation issues, SMRLS filed a fair housing complaint to force compliance with federal regulations regarding provision of language interpretation services. As a result of legal aid work, there is now a detailed language access plan and staff were trained on the plan, the Fair Housing Act, and federal law governing the calculation of rent. In this situation, the client's status as an English-language learner and refugee prevented her from being able to advocate for herself without additional language and legal support.

Even in cases where a protected class of citizen's rights were not being threatened, legal aid played a significant role in providing access to legal representation for those who could not otherwise afford it. What few cases were able to achieve, however, was any change at the systems-level. Indeed, systems-change was largely removed from legal aid when they were prohibited from partaking in class action lawsuits in 1996.

Minnesota's new Commissioner for Human Rights, Rebecca Lucero, started her career as a legal aid attorney. In a recent interview with Minnesota Public Radio, she expressed her frustration at the lack of systems-change in her job. While she was able to help many individuals and some families as a legal aid attorney, she did not achieve the level of systems change she hoped.

Indeed, when we asked grantees to reflect on the results of this evaluation in a final workshop where we presented the coding data and case studies, a common theme was an appreciation of the chance to see the bigger picture of the work they are doing. Legal aid attorneys rarely have

the chance to reflect on the impact of their work beyond the immediate impact to the client. In the words of two of the grantees,

*It [this evaluation] has helped me realize the impact that the work is having, especially when it's having an impact on multiple people and the families. Hearing the details of my own case impressed me. Seeing it from a 3rd party's eyes - that preventing a foreclosure was actually impacting a community. As time consuming as evaluations can be, it allowed me to see a different side.*

In particular, the visual mapping we developed for each in-depth case study allowed grantees to see the extent to which their work had ripple effects they would not otherwise have been able to see. As noted previously, a longitudinal study of clients would likely provide an even more comprehensive understanding of the long-term impacts of legal aid on clients and communities.

### [Towards a more holistic model of legal aid](#)

The cases explored in this evaluation highlight the degree of support required by many legal aid clients. Rarely are clients' legal needs isolated from other aspects of their life. Yet addressing these other issues can put a heavy burden on the already stretched attorneys. One way to address these needs is to offer a more holistic approach to legal aid. While holistic representation is more commonly discussed in the context of criminal defense, it may be worth exploring how it can be applied in the context of civil matters more extensively.

In his 2012 article on holistic representation, Steinberg offers some history about its rise in criminal public defense:

*In the United States, the movement towards holistic models of indigent defense is fueled by the diverse and pressing needs of indigent clients. With the prevalence of drug addiction, poverty, and homelessness among poor criminal defendants and with the continuing high rate of recidivism, it became clear to many rather quickly that penal sanction was alone not sufficient to remedy our criminal justice problems. Despite this realization, both the criminal justice system and the majority of public defender offices were slow to find an answer. Indeed, as our prison populations doubled and doubled again (nearing the almost unthinkable two million milestone), the traditional notion that defense work should only address the criminal "case" persisted. Across the country and regardless of who provided representation (whether institutional public defenders or private lawyers), the scope of services offered to indigent clients was exclusively limited to defending and advising clients with respect to criminal charges. Thus, traditional representation was (and continues to be) case-specific and court-based, rather than personal and family-based. The result: A system that processed cases and the people attached to them. A system that fashioned a "revolving door" of clients coming through the system over and over again. (Steinberg, 2012, pg. 629).*

Steinberg goes on to note,

*The good news is that advocates for the indigent are beginning to recognize the harsh realities that befall their clients. Across the country, we are seeing a slow but advancing movement toward holistic, client-oriented practice, which responds to the limitations of case specific representation and challenges the traditional U.S. system. (Steinberg, 2012, pg. 630).*

Indeed, holistic representation has been gaining traction among public defender offices around the country as evidence shows its value to both the client and community (see, for example, Anderson, et.al, 2019).

What can civil legal aid services learn from this growing movement towards holistic defense? In 2013, the Rhode Island Legal Services received a grant from the Kresge Foundation to create a Holistic Legal Assistance Network. Three years into the project, Nora Salomon, supervising attorney for the network wrote an article in which she described its origin, implementation, and initial outcomes:

*The objective of the project was to create an interdisciplinary approach to the delivery of services in order to lift people out of poverty. Traditionally clients receive legal assistance on an as-needed basis, and that assistance focuses on self-identified legal concerns. However, many organizations have started using a comprehensive legal intake for better identifying additional problems that can be resolved in-house. Rhode Island Legal Services' Holistic Legal Assistance Network takes this concept one step further and incorporates interdisciplinary community partners that can help a client meet social needs as well...*

*The first 22 months of the Holistic Legal Assistance Network were evaluated by Dr. Ken Smith of the Resource for Great Programs. The evaluation consisted of interviews with the staff of both Rhode Island Legal Services and the interdisciplinary partners, along with focus groups conducted with clients. Dr. Smith analyzed data collected by the Holistic Legal Assistance Network on the number of clients served, the services given, client satisfaction with those services, and the outcomes achieved. He analyzed cases from 10 sample clients.*

*In his evaluation, Dr. Smith found that the Holistic Legal Assistance Network was having a "profound human impact" and that the "investment in holistic legal and social services can change the lives of clients and their families in ways that likely will last for many years into the future." He hypothesized that the key to the positive results was the "integration of legal and non-legal support and the continuity that [the Holistic Legal Assistance Network] provides in that support." (Salomon, 2016)*

## In Closing, A Global Context and Perspective

Legal aid services were created to ensure that people experiencing poverty have access to legal representation regardless of their financial status. Such access has implications for social justice, though as Commissioner Lucero aptly points out, “law and justice are totally different.” Still, access to an attorney who is committed to social justice, as the attorneys we met at legal aid clearly are, is a big step in the direction towards justice.

The failure to fully provide legal services to all those in need is a blemish on American democracy. That is not our judgment alone, though we share it, but the judgment of those who provide legal aid services and know firsthand the limitations of what they are able to do with inadequate resources and the dire needs that go unmet daily. It is also the judgment of researchers who have studied both the need for and effectiveness of legal aid as listed in the references at the end of this report. For example, Massey (1984) examined in depth how low income farmers in crisis depend on legal services to preserve their farms, a need that continues because “the challenges facing family farmers today are complex but just as urgent as they were in the 1980s” (Farmers’ Legal Action Group, 2019).

Democracy depends on people having faith in the justice system. Our case studies show that when the poor receive helpful legal aid, their faith in the justice system increases, with spillover positive effects to those they know, like family members and friends. Unfortunately, the trends identified in the legal aid context at the beginning of this report reinforce “the belief of citizens that the courts are not an institution to which they can turn for justice, but are simply a remote and expensive luxury reserved for the rich and powerful” (Rakoff, 2016, p. 6).

The importance of justice to a prosperous and vital society has become internationally recognized. In 2015, under the auspices of the United Nations, the world adopted 17 Sustainable Development Goals. See Figure 12 for an overview of all of the goals. One of those goal areas, number 16, is **Peace, Justice, and Strong Institutions**.

Goal 16 reads as follows:

*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

*Lack of access to justice means that conflicts remain unresolved and people cannot obtain protection and redress.... To exclude and to discriminate not only violates human rights, but also causes resentment and animosity, and could give rise to violence.<sup>6</sup>*

The SDGs constitute a global transformative agenda for 2030. The United States and all other UN members are signatories to the SDG commitments. The SDG framework makes it clear that poverty, environmental sustainability, gender equity, good health, quality education, climate action, and social justice are interconnected.

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<sup>6</sup> <https://www.un.org/sustainabledevelopment/wp-content/uploads/2018/09/Goal-16.pdf>

Figure 12: Sustainability Development Goals (SDGs)



Here is part of the preamble that lays out the SDG vision:

*This Agenda is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom. We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. All countries and all stakeholders, acting in collaborative partnership, will implement this plan. We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet. We are determined to take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path. As we embark on this collective journey, we pledge that no one will be left behind. (United Nations General Assembly, 2015)*

Strong and effective legal aid services are a critical dimension of the global agenda for a just and sustainable world. The evidence is conclusive that the poor will be most negatively affected by climate change worldwide and in the United States (UNICEF, 2015). The results of these grants demonstrate the value of legal aid services to individuals, families, and communities. By providing legal representation to people experiencing poverty, legal aid services across Minnesota are strengthening the justice system in the United States. Legal aid attorneys are ensuring that people are living with dignity and opportunity. This evaluation demonstrates that the impacts on individuals, families, future generations and communities cannot be measured by “return on investment” (ROI) alone. While a 4:1 return on investment tells us that legal aid is financially smart, this evaluation shows that it is also socially just.

## Recommendations

Based on the data gathered over the course of this evaluation, we make the following recommendations:

- 1. Preserve and Increase Funding.** Continue funding foreclosure prevention and community development. The evaluation documents the importance and impacts of these legal aid activities for individuals, families, and communities, and the cumulative and aggregate return on investment in legal aid.
- 2. Support Cross-Sector Connections.** Support legal aid offices to connect with nonprofits, government agencies, and other services so that legal problems are not dealt with in isolation from other life situations and challenges that people face. The results of this evaluation showed that legal problems are often connected to other difficulties and that resolution of both the legal problem and other challenges requires an integrated and multi-agency approach.
- 3. Engage Reflective Practice.** Support legal aid offices to engage together in reflective practice to learn from and support each other. Grantees expressed appreciation for the opportunity to think about the larger context and bigger picture for their work with others engaged in legal aid. Sharing case examples and coding patterns provided a solid basis for reflective practice together.
- 4. Continue Coding.** Support ongoing coding of closed cases to determine the nature of cases, and impacts on those receiving legal aid, their families, and the communities. Grantees reported finding the coding relatively easy to do and useful, but need support for the time coding takes, and will need ongoing support and review to make the coding useful. The coding results could inform reflective practice with other grantees.
- 5. Evaluate *Cy Pres* Outcomes.** *Cy pres* settlements should include funding for and expectation of follow-up evaluation to determine how funds were allocated and the impacts of those funds, not just for victims of the settlement, but the larger community that is affected by general *cy pres* funds.

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## Appendices

### Appendix A: Evaluation Team

#### **Michael Quinn Patton, PhD**

Michael is the Founder and Director of Utilization-Focused Evaluation. Michael has more than 40 years of evaluation experience across a range of issues. He specializes in Utilization-Focused Evaluation and has published ten books on evaluation, including *Qualitative Research and Evaluation*, *Utilization-Focused Evaluation* and *Facilitating Evaluation*.

#### **Charmagne E. Campbell-Patton, MA**

Charmagne is the Director of Organizational Learning and Evaluation at Utilization-Focused Evaluation. She brings more than ten years of management and evaluation experience to the team, including projects for the Nebraska Court Improvement Project and the National Center for State Courts.

#### **Lija Greenseid, PhD**

Lija is the principal evaluator at Greenseid Consulting Group, LLC. She has more than 15 years of experience providing evaluation consulting services to clients in the fields of public health, education, social services, and community development and has taught graduate-level courses in survey research and qualitative research methods at the University of Minnesota.

#### **Gifty Amarteifio, PhD**

Gifty is a member of TerraLuna Collaborative. She holds a Ph.D. in Evaluation Studies and a MA in Public Policy from the University of Minnesota. She has conducted evaluations in K-12 education, higher education, community-based organizations, non-profits and government agencies.

#### **Alisa Tennesen, JD**

Alisa is an independent consultant with extensive experience in community and labor organizing. She specializes in using data to support transformative change and promote social justice. She received her JD from the University of Minnesota School of Law in 2006.

#### **Nora Murphy Johnson, PhD**

Nora is a founding member of TerraLuna Collaborative, as well as co-founder of the Developmental Evaluation Institute and Creative Evaluation. She earned a Ph.D. in Evaluation Studies from The University of Minnesota and has conducted evaluation and research in schools, school districts, local community organizations, non-profits and government entities, and has worked locally, nationally, and globally.

## A Letter from Monitor Eric D. Green

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Eric D. Green

In my eighth and final report monitoring the performance of Bank of America under its Settlement Agreement with the United States Department of Justice and six states, I am pleased to be able to confirm that Bank of America has completed its obligations to provide \$7 billion of credited Consumer Relief. The Bank has earned, in total, \$7,005,373,353 of credit for Consumer Relief delivered under the Settlement Agreement, attributable to 134,990 creditable actions.

As the Report details, the Bank submitted a request on October 20, 2016 (as amended on March 1, 2017) for \$37,805,618 of credit for Consumer Relief in the third quarter of 2016. The Report also describes the Bank's final submission, on October 28, 2016 (as amended on March 1, 2017), claiming \$163,633,038 of additional credit earned by exceeding the Consumer Relief minimums in the six Participating States and exceeding the minimum for credit derived from Consumer Relief in Hardest Hit Areas under Settlement Agreement Menu Item 1.

Of the \$37,805,618 of third-quarter Consumer Relief credit discussed in this Report, approximately \$36.1 million is for credit for extending new loans to an additional 3,606 low- and moderate-income first-time homebuyers, borrowers in Hardest Hit Areas, or borrowers who lost their homes to foreclosures or short sales. Over \$1.7 million is for credit for forgiveness of first-lien principal owed on 30 loans in connection with occupied homes where foreclosure was not pursued and the liens were released.

The \$163,633,038 of additional credit claimed in the amended October 28, 2016 submission stems from the incentives built into the Settlement Agreement to encourage Bank of America to provide Consumer Relief in the six Participating States and in Hardest Hit Areas. Annex 2 to the Settlement Agreement specifies minimum credit amounts that the Bank was obligated to earn in the Participating States. Once a state minimum had been met, the Bank was entitled to 115% credit for any additional Consumer Relief provided in the applicable state under Menu Item 1, 2, 3.A, 3.B, or 3.C of Annex 2. Similarly, Annex 2 required that a minimum of 50% of the credit earned by the Bank under Menu Item 1 result from Consumer Relief provided in Hardest Hit Areas. After the Bank met that minimum, it was entitled to 115% credit for any additional Consumer Relief under Menu Item 1 in Hardest Hit Areas. The Bank sought the additional credit resulting from these incentives in its final credit submission.

My professionals and I have determined that Bank of America's submissions and

calculations for its Consumer Relief credit are correct, and that the Bank has complied with all the terms of the Settlement Agreement. Bank of America is therefore entitled to credit in the amount claimed.

The cumulative data indicate that the Consumer Relief appears to have gone to where the settling parties intended. Just over 53% of the loan modifications under Menu Item 1 were in Hardest Hit Areas. A large number of the modifications were directed at loans guaranteed or insured prior to modification by the VA or FHA. Loan modifications and new loans were directed broadly across the country, to every state and the District of Columbia, and to 117,989 census blocks. Over 5,000 affordable rental housing units are supported by 44 subordinated loans made at a loss, 68% for Critical Need Family Housing.

Most importantly, the data indicate that modifications for first lien principal reductions—the largest piece of Consumer Relief—had their intended effect. For these modifications, the average principal reduction was over 50%, the average loan-to-value ratio was drastically reduced from 176% to 75%, the average interest rate was more than cut in half from 5.4% to 2.1%, and critically, the average monthly payment was reduced by almost \$600/month—over 37%. This directly and materially assisted homeowners struggling to afford to stay in their homes.

My and my professionals' monitoring of the Bank's claims for credit has been detailed, diligent, and exacting, ensuring that the Bank only received credit strictly as it was entitled to under the Settlement Agreement. This work went relatively smoothly with over 99.9% of the credit sought by Bank of America validated by me and my team. Every discrepancy in the Bank's submissions identified by the Monitor's team was resolved to my satisfaction, and always in favor of the consumer. Moreover, when I requested that the Bank perform additional testing concerning its extinguishment of homeowners' second and junior liens to provide added assurance that the relief was meaningful, the Bank agreed. This enhanced testing helped make sure that homeowners really benefited from the relief the Bank provided.

I have also completed the disbursement of the approximately \$490 million Tax Relief Payment Amount provided to the Monitor pursuant to Annex 3 of the Settlement Agreement. As discussed in the Report, because Congress extended through the end of 2016 the tax relief

provided in the Mortgage Forgiveness Debt Relief Act to homeowners who receive principal forgiveness, the Settlement Agreement specified that the Tax Relief Payment Amount was to be paid to certain nonprofit organizations located around the country, instead of to the IRS on behalf of homeowners receiving modifications. These funds are to be used for housing counseling, neighborhood stabilization, foreclosure prevention, legal assistance, or similar programs. Thanks to Congress and President Obama's extension of this tax relief to homeowners receiving modifications, these funds can now be put to use to further assist distressed communities and families in need.

A myriad of details about the Consumer Relief provided by Bank of America under the settlement can be found in the Report and the full appendixes that are attached. They are a treasure trove for those desiring to see how this particular settlement worked out in the field. But the best way to view the details about the distribution of Consumer Relief is to go to the interactive maps that can be found on the Monitor's website, click on them, and use the easy-to-navigate tools to focus on and zoom in to particular areas of interest, often down to the census tract level. Although the Bank's Consumer Relief obligations have been completed, I will maintain the interactive capabilities of these maps until the end of December 2017, for the convenience of interested persons. I am very proud of this technological tool that my team developed because it provides greater transparency than ever before about where the Consumer Relief under this settlement went.

I am pleased that I and the excellent professionals on my team, who performed the myriad detailed tasks required to carry out the Monitor's responsibilities under the Settlement Agreement, were able to play a part in seeing that consumers across America received the full benefits of the \$7 billion in Consumer Relief under the 2014 Settlement Agreement. I am grateful for their outstanding professionalism, diligence, and integrity in performing their work in half the time initially allotted for delivering and monitoring the Consumer Relief—the largest such program in history. And I am grateful to the settling parties—the United States through the Department of Justice, the six Participating States (New York, California, Illinois, Delaware, Maryland, and Kentucky) through their Attorneys General, and Bank of America—for reaching agreement to provide this Consumer Relief and then implementing the delivery of it so cooperatively, fairly, efficiently, and transparently.



## Appendix C: Grantees

### Cancer Legal Care

Originally founded as Cancer Legal Line in December of 2004, Cancer Legal Care began providing legal care services in October of 2007. They now provide legal counseling, advice, and direct legal services on a wide variety of legal issues related to client's cancer diagnosis and treatment. They also provide clinical training opportunities to law students, conduct professional continuing education seminars to lawyers and social workers, educate cancer patients, survivors, caregivers, and providers via group education presentations, collaborate with other organizations around the state to advance the integration of legal care into health care via the Upper Midwest Healthcare Legal Partnership Learning Collaborative, and serve and work within the Minnesota Cancer Alliance to bring light to the financial and legal needs of Minnesotans with cancer and the action needed to change the status quo. <https://www.cancerlegalcare.org/>

### Immigrant Law Center of Minnesota (ILCM)

Immigrant Law Center of Minnesota (ILCM) is a nonprofit agency that provides immigration legal assistance to low-income immigrants and refugees in Minnesota. ILCM also works to educate Minnesota communities and professionals about immigration matters, and advocates for state and federal policies which respect the universal human rights of immigrants. The Austin Area Minority Business Project, funded by a Bank of America settlement grant to the Immigrant Law Center of Minnesota, provides comprehensive business development and legal aid services to immigrant and minority business owners in the Austin, Minnesota area. <https://www.ilcm.org/>

### Legal Aid Service of Northeastern Minnesota (LASNEM)

Founded in 1952 as the Legal Aid Service of Duluth, LASNEM was created by members of the local bar association to provide “legal advice and service to those among the people of Duluth, Minnesota, who are unable to afford legal counsel.” Over the years, that core mission has been expanded to embrace the entire arrowhead region of Minnesota, but the goal has remained the same: to provide high quality legal services to individuals and families at the lowest end of the economic ladder. Their service area now includes 11 counties, extending as far west as Cass and Crow Wing and as far south as Pine County. LASNEM provides legal assistance across four major areas: family law, housing law, elder law, and economic protection. <http://lasnem.org/>

### LegalCORPS

LegalCORPS is a non-profit organization that provides free assistance in non-litigation business law matters to low-income owners of small businesses, small nonprofit organizations and low-income innovators in Minnesota — through the services of volunteer attorneys. The Entrepreneurs of Color Program is a LegalCORPS initiative to make its services more accessible and useful to recent immigrants and Black/Indigenous/People of Color. The goal of the program is to provide support and business law resources to small business owners and those who would like to start a small business who are from historically marginalized communities.

<https://legalcorps.org>

### Mid-Minnesota Legal Aid (MMLA)

Founded in 1913, MMLA's mission is to advocate for the legal rights of disadvantaged people to have safe, healthy and independent lives in strong communities. MMLA serves Minnesotans in the 20 counties of central Minnesota, including Hennepin, from offices in Minneapolis, St. Cloud and Willmar. Legal Aid's Poverty Law practice focuses on helping Minnesotans get access to

basic rights like housing, safety, education and shelter. Legal Services Advocacy Project (LSAP) advocates on a wide range of legislative issues that impact thousands of Minnesotans every year. <http://mylegalaid.org>

### **Minnesota Asset Building Coalition (MABC)**

The Minnesota Asset Building Coalition (MABC) is a program of Mid-Minnesota Legal Aid, a non-profit that offers free civil legal services to very low-income Minnesotans. MABC was launched in 2012 by a group of nonprofit leaders who wanted to see more effective state-level legislative advocacy by nonprofits that were offering asset-moving type direct services to promote systems change at the state level. After six years, MABC has grown to a coalition of 140 member-organizations. They organize campaigns around issues, draft bills, recruit legislative champions, and advocate together to advance their legislative priorities. **Appendix H reports policy initiatives underway as of the writing of this report.** When there is an issue that many members work on, they will also create a “practitioner learning circle,” where organizations discuss relevant issues and identify those that may benefit from legislative advocacy from MABC. <http://www.mnassetbuilding.org/>

### **Southern Minnesota Regional Legal Services (SMRLS)**

For 110 years, Southern Minnesota Regional Legal Services has provided free, high-quality legal help to low-income people in critical civil matters. SMRLS focuses on four aspects of client’s experience: (1) enforce their legal rights; (2) obtain effective access to the courts, administrative agencies and forums which constitute our system of justice; (3) maintain freedom from hunger, homelessness, sickness and abuse; (4) empower persons and assure equal opportunity, thus, helping people to help themselves and become economically self-reliant, to the extent their individual abilities and circumstances permit. <http://www.smrls.org/>



## Appendix D: Grantee Workshop Responses

Follow-up question posed to workshop participants: “What, if anything, did you find particularly useful about the workshop?”

- I liked hearing about the work that other groups are doing, because it made me feel like part of a team of superheroes! Also, the workshop expanded my thinking about how we might evaluate the work we’re doing at MABC by being more proactive about defining our own metrics for evaluation. I look forward to the next steps!
- I would enjoy the project and feel that it would highlight and lift-up what I consider to be the best and most important aspects of our collective work. I would like more information about the time commitment involved as well as whether other funders would find this type of evaluation helpful in their funding considerations... We do not often take time and create a dedicated space to think about how important and creative our work is and can be. [The workshop] provided that time and space.
- Info on different ways of doing evaluation was great.
- I found particularly useful the exercise about serving homeless youth and discussion, which made me realize that we are not alone in our challenges as a non-profit organization. The exercise made me reflect on understanding the perspective, cultural background, problems, and needs of our clients. The discussion in the meeting made me think more in-depth about the holistic approach to our services, and how important it is to set goals and principles that are flexible and adaptable to the community, and moreover how we can change the life and develop the community through our services.
- We thought it was all very useful and enjoyed learning more about what the other B of A grantees are doing.
- Hearing about other projects, the case study, and other examples, hearing from other motivated peers was useful.
- The very thought process in the room itself, being aware of our organization and the other similar organizations and how we relate was a helpful reflection of the various components, and the whole, of legal aid services. Also, collaborating with other organizations in one group setting was rewarding.

### **Draft Evaluation Questions from the January 2018 Evaluation Design Workshop**

1. How are eligible clients identified?
2. What services are provided? What challenges do grantees face? How are they addressing those challenges?
3. How do clients understand their legal rights and the nature of the services they receive?
4. What are the legal outcomes of the services rendered?
5. What are the non-legal outcomes reported by clients (changes in well-being; family status; job status; housing status; income and financial security; and community engagement).



6. What are the impacts on communities?
7. What partnerships have been formed? What are the nature, benefits, and results of community partnerships?
8. What lessons are being learned about legal services and community impacts?
9. What common principles, if any undergird and inform the work of grantees?
10. How are societal, political, economic, and community trends affecting current and future provision of legal services and community impacts?

### **Issues to address in the evaluation and reflective practice together among grantees**

At the January, 2018 evaluation design workshop, grantees identified important issues they wanted to address together:

- The nitty-gritty patterns of community work: building relationships, establishing partnerships, outreach, referrals, enhancing understanding, and building capacity
- Illuminating root causes of legal issues: beyond band aids to examine the effects of poverty and discrimination from a social justice perspective
- Connecting work in the trenches with big picture trends
- Elaborating the human side of the work: people and communities not just legal procedures and processes, as important as those are, but not isolating them from the human dimensions of what happens
- Impacts on direct services of policy issues: evaluating advocacy options and effectiveness
- Systems analysis and evaluation: systems levers and dynamics that affect communities
- Holistic evaluation: looking across siloes
- Overarching principles and principles-focused evaluation:
  - Respect for people
  - Building trusting relationships
  - Long-term perspective: Developing cases over time

## Appendix E: Social Justice Rights-Based Evaluation

### Social Justice Rights-Based Evaluation as an Overarching Framework for Evaluating Legal Aid

Traditional program evaluations have been concerned with whether project or program models were appropriately implemented and whether intended objectives were attained. While projects and programs remain a primary focus for evaluation, the new century has brought new challenges on the cutting edge of evaluation practice. We are now engaged in evaluating strategies, systems change, community initiatives, ecosystem sustainability, social innovations, institutional transformations, collaborations, collective impact, complex dynamic systems changes, and effectiveness principles. These new *evaluands*, these different objects of evaluation, call for designs, methods, and approaches that go well beyond traditional project and program approaches. One emergent arena on the leading edge is social justice rights-based evaluation. Rights encompass and assert moral principles. How can rights be used as a framework for evaluation?

Former United Nations Secretary-General Kofi A. Annan called on all agencies of the United Nations to mainstream human rights into their activities and programs. UN agencies developed a Statement of Common Understanding about a Human Rights Approach.

1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process. UNICEF, 2004, Annex B, p. 91)

Human rights generate moral principles, which can be evaluated for meaningfulness and adherence.

*Among these human rights principles are: universality and inalienability; indivisibility; interdependence and interrelatedness; nondiscrimination and equality; participation and inclusion; accountability and the rule of law. (UNICEF, 2004, Annex B, p. 91)*

Social justice rights-focused evaluation appropriately matches social justice rights-based programming (Campbell-Patton, 2018). The evaluation implications were specified in the Statement of Common Understanding about a Human Rights Approach.

*Human rights principles guide all programming in all phases of the programming process, including assessment and analysis, programme planning and design (including setting goals, objectives and strategies); implementation, monitoring and evaluation.*

The following elements are necessary, specific and unique to a human rights-based approach:

- a) Assessment and analysis identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers, as well as the immediate, underlying, and structural causes when rights are not realized.

- b) Programmes assess the capacity of rightsholders to claim their rights, and of dutybearers to fulfill their obligations. They then develop strategies to build these capacities.
- c) Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles. (UNICEF, 2004, Annex B, pp. 91-2)

#### *Principles to Guide Rights-Based Programming and Evaluation*

Joachim Theis, on behalf of *Save the Children*, generated a comprehensive justification for rights-based evaluation based on moral principles.

*A rights-based approach promotes three main principles: the accountability of duty bearers, the participation of right holders, and equity /non-discrimination. It aims to increase impact and strengthen sustainability by addressing root causes, bringing about policy and practice changes, working together with others towards common goals and by changing power relations. The primary role of a rights-based development organisation is to contribute to the fulfilment of human rights by getting duty bearers to meet their obligations, and by empowering poor and exploited people to claim their entitlements. Directly meeting needs and fulfilling rights helps people, but it does not necessarily strengthen the accountability of duty bearers. It also does not strengthen people's own ability to claim their rights. (Theis, 2003, p. 1)*

He articulated the importance of rights-based evaluation to support human rights initiatives.

*Monitoring the extent of the fulfilment and violation of human rights is a fundamental approach to promoting human rights. The collection and dissemination of data about unfulfilled rights and about rights violations puts pressure on duty bearers to meet their obligations to respect, protect and fulfil human rights. Human rights monitoring can help strengthen the compliance of duty bearers with human rights standards. (Theis, 2003, p. 3)*

Mahesh Patel, a thought leader with UNICEF, presented on this moral imperative for evaluation at the launching of the African Evaluation Society in Nairobi in 1999. He subsequently laid out this perspective in writing (Patel, 2001). Others have picked up the challenge (Shrestha & Giron, 2006; Berman, 2008; GIZ, 2011). But rights-focused evaluation remains an evaluation orphan, in my view. Our hope is that principles-focused evaluation (Patton, 2018) can provide some additional momentum to increase attention to evaluation of moral principles as well as effectiveness principles.

#### *Evaluating moral principles*

Psychologist Owen Flanagan has devoted his career to studying morality. His conclusions provide a window into the challenges of evaluating moral principles.

*There are multiple ways to live good human lives. Morality is fragile, subject to the vagaries of temperament, personality, gender, class, culture, economics, and politics. Moral ideals are typically pictures of what kind of person from among the possibilities one ought to be, where "be" is intended in a deep,*

*existentialist sense. Moral ideals call on one to be a person of a certain kind, not just to act in certain ways. (Flanagan, 2017, p. 3)*

Evaluating moral principles moves from individual morality to organizational, programmatic, legal, and even societal morality. There is, it seems to me, a moral imperative to evaluate adherence to moral principles. Providing guidance for that imperative is a future challenge for principles-based evaluation.

**Conclusion: Legal rights express moral imperatives. Legal aid can be evaluated from a rights-based evaluation approach.**

## Appendix F: Case Impacts and Outcomes by Case Type

Table A 1: Individual Impact Levels by Case Type

	High Impact	Medium Impact	Low/No Impact
Foreclosure	24%	6%	1%
Immigration	14%	0%	0%
Landlord/ tenant issues	15%	8%	7%
Small Business	4%	10%	0%
Other	7%	3%	1%
<b>Total</b>	<b>64%</b>	<b>26%</b>	<b>10%</b>

Table A 2: Family Impact Levels by Case Type

	High Impact	Medium Impact	Low/No Impact
Foreclosure	16%	1%	12%
Immigration	10%	1%	4%
Landlord/ tenant issues	11%	7%	14%
Small Business	3%	8%	1%
Other	5%	1%	4%
<b>Total</b>	<b>45%</b>	<b>19%</b>	<b>36%</b>

Table A 3: Ripple Impacts by Case Type

	High Impact	Medium Impact	Low/No Impact
Foreclosure	3%	4%	23%
Immigration	1%	0%	14%
Landlord/ tenant issues	5%	5%	20%
Small Business	1%	5%	7%
Other	0%	0%	11%
<b>Total</b>	<b>11%</b>	<b>15%</b>	<b>74%</b>

Table A 4: Community Impacts by Case Type

	High Impact	Medium Impact	Low/No Impact
Foreclosure	1%	5%	23%
Immigration	1%	4%	9%
Landlord/ tenant issues	5%	1%	24%
Small Business	1%	8%	4%
Other	0%	0%	11%
<b>Total</b>	<b>9%</b>	<b>19%</b>	<b>72%</b>

Table A 5: System Impacts by Case Type

	High Impact	Medium Impact	Low/No Impact
Foreclosure	0%	1%	27%
Immigration	0%	0%	15%
Landlord/ tenant issues	0%	3%	29%
Small Business	0%	1%	12%
Other	0%	0%	11%
<b>Total</b>	<b>0%</b>	<b>5%</b>	<b>95%</b>

Table A 6: Case Status by Type

	Resolved / Closed	Still Playing Out	Stalled	New / Reopened Issues
Foreclosure	26%	1%	1%	0%
Immigration	13%	1%	0%	0%
Landlord/ tenant issues	32%	1%	0%	1%
Small Business	10%	1%	0%	1%
Other	8%	1%	1%	0%
<b>Total</b>	<b>88%</b>	<b>6%</b>	<b>3%</b>	<b>3%</b>

*Table A 7: Cases that went to court by type*

	Yes	No
Foreclosure	3%	25%
Immigration	0%	15%
Landlord/ tenant issues	11%	25%
Small Business	0%	14%
Other	1%	7%
<b>Total</b>	<b>15%</b>	<b>85%</b>

## Appendix G: Case Studies

### **Cancer Legal Care**

[Navigating the Legal Challenges of a Cancer: Tim's Story](#)

[Supporting a Cancer Survivor to Navigate the Health Insurance System](#)

### **Immigrant Law Center of Minnesota**

[Supporting Immigrant Entrepreneurs Contributing to Small-Town Communities](#)

[“An Opportunity to Grow:” Supporting a Small-Town Dreamer’s DACA Renewal](#)

### **Legal Aid Service of Northeastern Minnesota**

[Supporting College Students in Dispute with a Predatory Landlord](#)

### **LegalCORPS**

[Supporting Business Expansion of an East African Immigrant Business Owner in Minneapolis](#)

[Providing free legal services to a start-up social enterprise that supports justice-impacted people](#)

### **Mid-Minnesota Legal Aid (MMLA)**

[Preventing Housing Forfeiture for an Older, Disabled Man](#)

[Eliminating Barriers for Young Professional Overcoming Past Mistakes](#)

[Preventing Foreclosure in North Minneapolis](#)

[Addressing Repairs for Tenants’ Unmet Needs](#)

### **Minnesota Asset Building Coalition (MABC)**

[The Economic Impact of Legislation Eliminating Driver’s License Suspensions for Minor Violations](#)

### **Southern Minnesota Regional Legal Services (SMRLS)**

[Demanding Affordable and Quality Housing for Somali Immigrants and Refugees in Greater Minnesota](#)

[Preventing a Karen Refugee Family from Losing Their Home](#)





## 2019 POLICY AGENDA

### STOP THE FINES AND FEES DEBT TRAP

Fines and fees from traffic tickets and minor criminal violations strip assets from low-income communities and communities of color and can create a debt trap that makes it difficult for families to build a strong financial future. Additionally, in Minnesota, an unpaid ticket leads quickly to a driver's license suspension, which often results in job loss, escalating debt, and even a criminal record.



#### Our proposal:

- Stop suspending driver's licenses for unpaid traffic tickets and eliminate the additional suspension period imposed after payment of tickets.
- Allow judges to reduce or waive the \$75 state surcharge on traffic and criminal violations in cases of financial hardship or offer a community service option.
- Require the state to release data on the number of license suspensions and revocations each year and the number of tickets that end up in collections.

### PROMOTE TAX TIME SAVINGS

Tax time presents a unique savings opportunity for many families because lower-income workers receive a significant portion of their annual income through their tax refund. Free tax preparation sites ensure that lower-income taxpayers file accurately and receive their entire tax refund. Providing financial capability services at free tax preparation sites can help clients meet their savings goals, deal with debt, build credit, and work towards a stronger financial future.

#### Our proposal:

- Increase funding for Taxpayer Assistance Grants to support free tax preparation services.
- Provide grants for free tax preparation sites to offer financial capability services such as financial coaching, assistance opening savings and transactional accounts, credit building services, certified financial counseling, and savings incentives.

### SUSTAIN "GETTING TO WORK" GRANT PROGRAM

Vehicle ownership enables people to access better jobs, work more hours, move up the economic ladder, and meet their family's basic needs. In 2017, the Minnesota Asset Building Coalition advocated for a bill that created the Getting to Work Grant Program, which funds nonprofit vehicle programs throughout the state. Six organizations received grants to help low-income people who need a car to get to work access car repairs, donated vehicles, or affordable car loans.

#### Our proposal:

- Secure annual base funding for the Getting to Work Grant program to ensure ongoing support for nonprofit vehicle programs throughout Minnesota.



## MABC SUPPORTS THESE CAMPAIGNS LED BY OUR MEMBERS :

### PROMOTE ENTREPRENEURSHIP

A successful small business can boost family income, create jobs in the neighborhood, and contribute to community vitality. Access to affordable business technical assistance is necessary for entrepreneurship to thrive, and entrepreneurs from underserved communities often rely on local nonprofit economic development organizations to provide that assistance.

MABC supports the Metropolitan Consortium of Community Developers' proposal:

- Increase funding for the Business Development Competitive Grant Program, which funds technical assistance services at nonprofits serving entrepreneurs from underserved communities.

### EXPAND TAX CREDITS FOR WORKING FAMILIES

Tax credits like the Working Family Credit and Renters' Credit make the tax system more fair and help Minnesotans meet basic needs and support their families. Because these tax credits come once a year, they also create opportunities for families to build savings and work toward long-term financial security.

MABC supports the Minnesota Budget Project's proposal:

- Increase the Working Family Credit, especially for workers without dependent children and families with three or more children, two family types that are less well served by the current credit structure.
- Protect the value of tax credits for lower-income Minnesotans as the state updates its tax code as a result of federal tax changes ("Tax Conformity").



### SUPPORT AFFORDABLE CHILDCARE

Access to affordable childcare is one of the most critical supports for stable, thriving families. Minnesota's Basic Sliding Fee Child Care Assistance Program (CCAP) serves children and families in every Minnesota county, but our investment in CCAP has decreased 25% since 2003, leaving thousands of eligible families on the waiting list. Additionally, provider reimbursement rates are out of date, which limits the availability of care for low-income families.

MABC supports the Kids Can't Wait Campaign's proposal:

- Fully fund CCAP and update provider rate so that all eligible families can receive assistance
- Adopt family-friendly CCAP reforms to ensure uninterrupted care



### INCREASE MFIP AND GENERAL ASSISTANCE GRANTS

Families need adequate support during times of extreme need so they can build their way back to financial stability. MFIP provides employment support and temporary cash assistance to families with children. The cash grant provides \$532 per month for a family of three, which is not enough to cover fair-market rent. General Assistance (GA) is a small monthly support (\$203) for single adults who are unable to work because of illness, injury, chemical dependency, or family caregiving responsibilities. These grants have not been increased to account for cost of living adjustments (COLA) since 1986.

MABC supports the Legal Services Advocacy Project's proposal:

- Increase MFIP cash grant by \$200 per month and add COLAs to both MFIP and GA cash grants

**For more information, please contact:**

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## **MABC Bill Update April 19, 2019**

1. Driver's License Suspension Reform (HF 1061/SF 1376)
  - a. Ends DL suspensions for failure to pay/failure to appear on traffic tickets; ends DL suspension for conviction on driving after suspension/revocation; retroactively makes DLs suspended on those violations eligible for reinstatement.
  - b. Heard in House, not Senate
  - c. Included in House Public Safety Omnibus bill and House Transportation Omnibus bill
2. State Surcharge Waiver (HF 1060/SF 1375)
  - a. Gives judges discretion to reduce/waive/offer community service in lieu of \$75 state criminal and traffic surcharge; requires judges to assess ability to pay before imposing a sentence that includes fines, fees or surcharges.
  - b. Heard in House, not Senate
  - c. Included in House Judiciary Omnibus bill
3. Getting to Work (HF 905/SF 988)
  - a. Appropriates \$250,000 per year in funding for grants to nonprofit vehicle programs that offer low-interest vehicle loans, affordable car repairs, or donated vehicles to individuals who need a car to get to work.
  - b. Heard in House, Senate
  - c. Included in House Jobs Omnibus bill
4. Tax Time Savings (HF 1862/SF 1900)
  - a. Appropriates \$400,000 per year additional funding for free tax preparation and financial capability services.
  - b. Heard in House, not Senate
  - c. Base funding in both State Gov't Finance omnibus bills, new funding included in House Tax Omnibus bill
5. Spark Program (HF 414 /SF 101)
  - a. Appropriates \$1 million per year additional funding for nonprofits offering business technical assistance to entrepreneurs in targeted groups, including low-income, minority, immigrant, women, people with disabilities, and veterans.
  - b. Heard in House and Senate
  - c. Additional funding included in House Omnibus, base funding only in Senate omnibus bill
6. Working Family Credit and Renter's Credit
  - a. MABC is supporting several different bills increasing WFC and Renter's Credit for different amounts, some specific to families w/3+ dependents or w/o dependents
  - b. Heard in House, not in Senate
  - c. \$40 million/year WFC increase, \$21 million/year Renter's Credit increase in House Tax
  - d. Omnibus, \$100 million/year WFC increase in Gov's budget, no Renter's Credit increase